Edward Thornton (Esq)
vol. 2.

Reg? (Edward) Thornton — Vol. II

CHAP. XXVI.

History of the British Empire in India

can, but it ended in the defeat of those by whom it was undertaken, and their return to their retreat in the British dominions. To exonerate the British government from the suspicion of participating in these attempts, or of affording them any degree of encouragement, another mission was determined on, and Captain Canning was dispatched to Ava to afford explanation. The British envoy, however, did not reach the place of his destined duties. He was unable to proceed beyond Rangoon, and, after being exposed to much both of insult and danger, returned to Bengal. The Company's government then took active measures for preventing a recurrence of any hostile excursions from its territories into those occupied by the Burmese; but the refusal to give up the parties who had been engaged in those which had previously taken place was regarded by the court of Ava as an unpardonable offence. After an interval of two years' tranquillity on the frontier, the surrender of these persons was formally demanded in a letter addressed by the Rajah of Ramree to the magistrate of Chittagong. The Marquis of Hastings thereupon addressed a letter to the Burmese sovereign, explaining that the British government could not, without a violation of the principles of justice, deliver up those who had sought its protection; that the existing tranquillity, and the improbability of the renewal of disturbances, rendered the demand particularly unseasonable; and that whilst the vigilance of the British officers should be directed to prevent and punish any enterprise

CHAP. XXVI. against the province of Arracan, it could lead to no advantageous result to either state to agitate the question of the delivery of the insurgents any further. The Burmese government not returning to the agitation of the question, the governor-general was led somewhat injudiciously, but in perfect accordance with his character, to conclude that there was no reason for suspecting the existence or contemplation of any hostile design on the part of that government; and on the strength of this conclusion, he countermanded some orders for extended preparations of defence issued under the influence of the apprehension excited by the demand.

A few months dissolved the illusion. Towards the close of the Mahratta war a second letter was received from the Rajah of Ramree, demanding from the British government, on the part of the Burmese sovereign, the cession of Ramoo, Chittagong, Moorshedabad, and Dacca, on the ground of their being ancient dependencies of Arracan, then part of the Burmese dominions, and threatening hostilities in case of refusal. The answer of the governor-general was to the effect that, if the letter were written by order of the king, it was to be lamented that persons utterly incompetent to form a just opinion of the British power in India had ventured to practise on the judgment of so dignified a sovereign; but that the governor-general's respect for his Majesty induced him to adopt the belief that the Rajah of Ramree had, for some unworthy purpose of his own, assumed the tone of insolence and

menace adopted in the letter, without authority from the king, and that the proceeding would experience his Majesty's just displeasure. Here the matter rested. No notice was taken of the answer of the governor-general, and whether the letter was a mere idle menace not intended to be followed up, or that the splendid successes of the British arms in Central India was thought to render silence the most expedient course, or that the Burmese government found sufficient employment in the reduction of Assam, and in the conflict of domestic politics, must be matter for conjecture.

In Assam the Burmese had originally appeared as supporters of one of the parties in a civil war. They subsequently abandoned this position, and succeeded in conquering the province for a chief of their own nation. The Burmese frontier in this quarter was thus advanced to that of the British. Though ceasing to threaten the British government with war, the emissaries of the Burmese did not abstain from acts calculated to provoke it. In 1821, and again in 1822, they seized and carried off parties of elephant-hunters in the Company's employ, under the pretext that they were within the Burmese territories. An outrage committed on a boat laden with rice, entering the nullah on the British side of the Naf, led to more vigorous measures of resistance than had previously been resorted to. The military guard was increased, and a few men were placed upon an island called Shapooree. These an agent of the viceroy of Arracan required to be

CHAP. XXVI. withdrawn, on the plea that the island belonged to the Burmese sovereign; the requisition being accompanied by an intimation that war would be the consequence of refusal. This took place in January, A. D. 1823. 1823, the month in which the Marquis of Hastings quitted India.

The Rajah of Arracan being addressed on the subject of the dispute, reiterated the demand for the surrender of the island; and on the 24th of September a body of Burmese, under the Rajah of Ramree, landed there, killed three of the British sepoys, wounded four, and drove off the rest. This feat was not very remarkable, seeing that the British guard on the island consisted of only thirteen men, while the Burmese force comprised a thousand. Having accomplished the object which they had proposed they returned to the main land. The Rajah of Arracan was so proud of what he had done, that he reported it himself to the British government, intimating, at the same time, that in the event of the resumption of the island, he would take by force of arms the cities of Dacca and Moorshedabad, which, it was repeated, originally belonged to Arracan.

The island of Shapooree was of small extent and value; it was, indeed, little more than a sand-bank, affording pasturage for a few cattle. With regard to the title to its possession, the pretensions of either party do not appear to have been very clearly made out, but the weight of probability inclined to the claim of the English. The records of the

Chittagong collectorate shewed that it had been long included within the British province, had been at various periods surveyed and measured by British officers, and during the preceding thirty years had been repeatedly held by persons under deeds from the British collector's office. It lay on the British side of the main channel of the Naf river, the acknowledged boundary of the two states; was separated from the main land of the district of Chittagong only by a narrow and shallow channel, fordable at low water, and might not improperly be considered as a continuation of that land. It is observable, also, that the British government was willing to accede to an inquiry, and even proposed that commissioners should be appointed on the part of each government to make an investigation. In the meantime, however, it was deemed necessary to reoccupy the island, and a force sufficient for the purpose was landed and stockaded. To give the Burmese government room for repentance and explanation, a despatch was forwarded, in which it was assumed that the occupation of Shapooree was the unauthorized act of the local authorities, which would be disavowed by the Burmese monarch, and exemplary punishment inflicted upon the perpetrators. Had it suited the Burmese prince to have acted upon this suggestion, the sacrifice of his agents would have proved no impediment to its adoption; but the overweening pride of the court of Ava interpreted the despatch into an acknow-

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Manipur has been mentioned as a recent acquisition of the Burmese. Here, as in Assam, they first appeared to aid one candidate for the throne in dispossessing another. Their arms were successful, and the sovereign whom they had elevated no sooner found himself tolerably secure in Manipur, than he became desirous of annexing to his dominions the neighbouring principality of Cachar, which he invaded. The Rajah of Cachar fled to Sylhet, and solicited the assistance of the British government, offering, if thereby reinstated in possession of his territory, to hold it under an acknowledgment of dependence. The offer being refused, he had recourse to two brothers of the reigning prince of Manipur, one of them being the dispossessed Rajah (who, it must be observed, had obtained the throne by murdering an elder brother), the other the youngest of the reigning family, who, not deeming a prolonged residence in Manipur entirely safe, had some time before fled to Cachar, where he had found the protection which he by whom it was afforded now needed for himself. The price of their services was to be an equal share of the territory of Cachar with the Rajah, and on these terms their co-operation was secured. The efforts of the coalition were successful, and the Rajah of Manipur was compelled to abandon his more recent conquest. But the Rajah of Cachar

did not long enjoy the reduced dominion to which he was entitled by the terms of the contract with his allies. To the latter the possession of two-thirds only of the country was unsatisfactory—they desired the whole, and were not slow in obtaining it. Some time afterwards the Rajah of Manipur incurred the displeasure of his Burmese masters, by whom he was expelled, and his territories incorporated with the Burman empire. The deposed Rajah fled in the direction which it might have been supposed he would have been most anxious to avoid. He sought refuge in Cachar, and, what is not less remarkable, he found it. His brothers received him graciously, and even assigned to him a portion of the territory of which they had become possessed, partly by bargain and partly by usurpation. But the friendship thus re-established was not more lasting than might have been anticipated. The two brothers, who had formerly in succession occupied the throne of Manipur, quarrelled, and commenced hostilities against each other. The elder was defeated, escaped to the Company's dominions, and, like the prince whom he had assisted in expelling, sought the aid of the British government.* The disordered state of Cachar invited the exercise of the aggressive spirit of the Burmese, who prepared to invade it; whereupon the two brothers, still remaining there, followed the example

* In relating the internal dissensions of Cachar, the author has followed the account given by H. H. Wilson, Esq., in his Historical Sketch of the Burmese War.

CHAP. XXVI. of their senior by seeking British support. That support, which had formerly been refused to the rightful prince of Cachar not less than to one of his supplanters, it was now not thought prudent to withhold. The right of the parties from whom the invitation came was indeed very disputable, but the power of the legitimate prince was nominally extinct, and it was certain that his interests could not be promoted by allowing the Burmese to add his dominions to the list of their conquests, while by the British government such a result was to be deprecated. There was no time for protracted negotiation. It was necessary to determine at once, either to interfere in defence of Cachar, or to see it transferred to the Burmese, with all the attendant facilities for attacking the British dominions. If the former course were to be adopted, it required to be followed without hesitation or delay; and in the emergency the British government took the step which was almost forced upon them by the pressure of circumstances, and declared Cachar to be under its protection. To support this declaration a force was advanced from Dacca to Sylhet, divisions of which were posted at various stations in advance of the Sylhet frontier.

The precaution was not unnecessary. In January, A. D. 1824. 1824, about four thousand Burmese troops advanced from Assam into Cachar, and having taken up a position, proceeded to fortify it by stockades. Another body, entering from Manipur, engaged and defeated the troops of Gumber Singh, the youngest of the fra-

ternal partitioners of the province; and a third division was approaching by a different route. Major Thomas Newton, the officer commanding on the Sylhet frontier, determined, on becoming acquainted with their movements, to advance without delay against the party from Assam, before they should have time to complete their intrenchments. He accordingly marched on the 17th of January, and at daybreak came in sight of the stockade of the adverse troops. An attack was instantly commenced in two divisions; one, commanded by Captain Johnstone, upon the stockade; the other, under Captain Bowe, upon an adjoining village. The troops in the village fled almost immediately; those in the stockade made a vigorous resistance, but at length yielded.

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Some communications between the Burmese generals and the English local authorities followed; but, as they shared the ordinary lot of Burmese diplomacy, by ending in nothing, it is unnecessary to dwell upon them. Major Newton deemed it requisite to withdraw his troops from Cachar, and the Burmese advanced to Jatrapore, where the party from Assam effected a junction with that which had advanced from Manipur, and erected stockades on both sides of the river Soorma. They proceeded to push those on the north side to within a thousand yards of the British post at Bhudderpoor, when, being attacked by Captain Johnstone, they were driven from their unfinished works at the point of the bayonet. The Assam division fell back upon

CHAP. XXVI. the Bhurtekee pass, the other stockaded itself at Doodpatlee. The former were dislodged with some difficulty by Lieutenant-Colonel Bowen, who had arrived to take the command; the latter were attacked by the same officer, but unsuccessfully; the party, however, subsequently withdrew into Manipur.

The British detachment which occupied Shapooree had been withdrawn from the island, in consequence of its extreme unhealthiness; but, in conformity with previous advances towards an amicable arrangement, two officers were deputed by the British government to meet any persons similarly accredited by the Burman authorities. The overture was met to the extent of sending four persons bearing a letter to the British commissioners; but the communication, in which the Rajah of Arracan announced their approach, stated also that a force had been assembled under fresh orders from the Court of Ava, for the express purpose of dispossessing the English, at all hazard, of the island of Shapooree. This was an unpromising commencement, and the progress of the negotiation was not at variance with it. The right of the Burmese sovereign to the island was asserted, but his agents professed that they would be satisfied with an admission of its being neutral ground, and a declaration that it should be occupied by neither party. The sincerity of this profession is scarcely matter for doubt. The Burmese were bent on aggression, and though it is barely possible that compliance with the proposal might have postponed hostilities for a short time, it is far more

likely that, had it been accepted, the Burmese government would have disavowed the act of their agent; and however this might have been, the entire tenour of Burmese policy for years past rendered it clear that war could not ultimately be avoided, nor could its commencement be long deferred.

Waiving, too, all reference to the future, the outrages which the Burmese had perpetrated could not be overlooked. Such a course was not only forbidden by a regard to the honour of the British nation, but its direct tendency would have been to invite fresh, and without doubt, more important aggressions. Such was the view taken by the government, who, in replying to the letter communicating the proposal of the vakeels with regard to Shapooree, observed, "that worthless and insignificant as the place must be to either party, and willing as the governor-general in council might have felt to listen to any such proposal, had it been brought forward by the government of Ava itself at an earlier stage of the discussion, and previously to the assault on" the British "post, and the slaughter of" the British "sepoys, the just indignation excited by that act of outrage, and the declarations and resolutions it had necessarily induced, must utterly preclude any compromise of the above nature, even if not proffered in the tone of insolent menace, which the Rajah of Arracan had invariably assumed."* The British

* Despatch from Governor-general in Council to Secret Committee, 23rd of February, 1824.

CHAP. XXVI. agents were then instructed, that no overture for the relinquishment of the absolute and unqualified right of the Company to Shapooree was to be for a moment entertained; and that if the Burmese deputies should recur to the intimation already given, of the determination of the Burmese government to prevent the British authorities keeping a guard on the island, it was to be met by a distinct statement of the positive orders of the British government to maintain the fullest right of possession, and to visit with instant chastisement those who might engage in any attempt to disturb that possession.

It was not long before the catalogue of Burmese offences against the British government was swelled by the perpetration of an act of gross and wanton treachery. When the British troops were withdrawn from Shapooree, a pilot schooner, named the Sophia, was stationed off the north-east point of the island, with some gun-boats, to supply, in a degree, the absence of the troops. On the morning

A. D. 1824. of the 20th January, 1824, some armed Burmese in a boat pulled alongside the vessel and asked a number of questions of a very suspicious character. In the afternoon a second boat approached, bearing an invitation to the commander of the English schooner to proceed on the following morning to Mungdoo, where some officers of high rank had just arrived from the court of Ava. The commander, Mr. Chew, was, at the time, absent, but on his return he ventured, somewhat imprudently, to accept the invitation. He was accompanied by an officer in charge

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of the row-boats, and a crew of eight lascars, the whole of whom, on landing, were, with Mr. Chew, seized and carried off into the interior, where they were detained until the 13th of February. They were then released without apology or explanation. The capture of Mr. Chew and his attendants was not the only exploit performed by the deputies at Mungdoo. They proceeded in solemn state to the island, with four large boats of armed men, and on their arrival planted the Burmese flag there. This ceremony concluded, they burnt a hut, the only work of human labour existing on the desolate spot, and returned.

The two governments were now to become avowedly at war—a state in which they had actually been for some time past. The British government explained its motives in a declaration dated the 24th of February, addressed to the government of Ava, and in a public proclamation dated the 5th of March following. Soon afterwards the government received from the viceroy of Pegu an exposition of the views of the enemy, couched in terms of singular arrogance. It re-asserted the claim formerly made by the Rajah of Arracan to parts of the British territories, repeated the alleged grievances of the Burmese sovereign, and indicated the pleasure of "the fortunate king of the white elephants, lord of the seas and earth," that as the governors on the Burmese frontier had full authority to act, no further communication should be made to the "golden feet" till every thing should be "settled." Full political and mi-

CHAP. XXVI. litary powers were declared to have been conferred on an officer called Menjee Maha Bundoola, and in allusion to a reference made in a communication from the governor-general to the recent date of his own appointment, that functionary was admonished to "ascertain the truth, consider duly every thing, investigate and judge properly, and by petition represent his case to the general by way of Arracan."

In acting on the declaration of war issued by the British government, it was determined, that on the frontier, operations should be in a great measure defensive; but not so exclusively as to preclude the expulsion of the Burmese from territories in which they had recently established themselves by usurpation. Among these territories Assam was the first object of attention, and a force destined for its reduction was assembled at Goolpur, under the command of Brigadier-General M'Morine. It consisted of seven companies of Native Infantry, portions of various local corps, a small body of irregular horse, some artillery, and a gun-boat flotilla on the Bra-

A.D. 1824. mapooter. This force moved on the 13th of March, the troops pursuing their route along both banks of the river, with vast labour, through thick jungle and lofty grass, in which the men were at intervals completely buried; a number of small rivulets and ravines also intersected the road, the difficulties of which were further increased by the recurrence sometimes of heavy sands, sometimes of marshy swamps. But no enemy was seen until the 27th,

when a small party of Burmese appeared, only to escape with a rapidity which defied pursuit. On the 18th the British force arrived at Gowahatty. Here the Burmese had erected strong stockades, but they were abandoned. The enemy in retreating had, it appeared, inflicted dreadful cruelties on their fellow-subjects, the Assamese, a fact attested by the discovery of some bodies frightfully mutilated. To assure the people of protection, and to obtain their assistance, a proclamation had been issued by the British authorities immediately on their entering Assam.

But the main blow was intended to be struck at such part of the maritime possessions of the Burmese as should appear to offer the best prospects of success; and to the preparations for this purpose it is now necessary to turn. A part of the force required was provided in Bengal; the remainder, forming by far the larger portion, was furnished chiefly from Madras. From Bengal embarked his Majesty's 13th and 38th regiments, the second battalion of the 20th Native Infantry, and two companies of European artillery, amounting in the whole to two thousand one hundred and seventy-five fighting men. They were accompanied by four eighteen-pounders, four five-and-a-half-inch howitzers, four eight-inch mortars, and four six-pounders. Attached to the expedition were twenty gun-brigs and schooners, each manned by fifteen lascars, commanded by a European, and armed with two twelve-pounder carronades and four swivels, mounted on their bows and quarters; twenty row-boats, carrying

CHAP. XXXV. one eighteen-pounder each, manned exclusively by natives; two king's sloops, the Larne, Captain Marryatt, and the Sophie, Captain Ryves; several Company's cruizers; and the Diana steam-vessel, the first ever employed in war.

The force from Madras was distributed in two divisions. The first consisted of his Majesty's 41st regiment, the Madras European regiment, five battalions of native infantry, and four companies of artillery, making a total of six thousand and twenty-six fighting men, with two eight-inch, and two five-and-a-half-inch, and two four-and-a-half-inch howitzers, two eight-inch and two five-and-a-half-inch mortars, four iron eighteen-pounders, six iron twelve-pounders, six six-pounders, and two three-pounders. The second division of the Madras force was composed of his Majesty's 89th regiment and two battalions of native infantry, the total number of fighting men being two thousand eight hundred and forty-one. The military force, when united, thus amounted to something more than eleven thousand. Major-General Sir Archibald Campbell was appointed to the chief command; Colonel Macbean was placed in command of the Madras force with the rank of brigadier-general; and Major Canning accompanied the expedition as political agent and joint commissioner with the commander-in-chief.

The place of rendezvous was Port Cornwallis, in the Great Andamans, for which place the Bengal

A.D. 1824. expedition sailed in the beginning of April, and

reached it at the latter end of that month. There it was joined, early in May, by the first division of the Madras force; the second, which sailed on the 23rd of May, arriving in June. Two additional king's ships, one of them, the Liffey, bearing the broad pendent of Commodore Grant, joined the expedition at Port Cornwallis. On the 9th of May the expedition arrived off the mouth of the Rangoon river, on the 10th came to anchor within the bar, on the morning of the 11th stood up the river, and about one o'clock on that day came to off Rangoon, opposite a landing-place called the King's wharf, the seat of a battery. A fire was opened on the fleet, but was returned from the Liffey with such effect, that several of the enemy's guns were split or dismounted, and, at the third broadside, the Burmese authorities left the town. At three o'clock the troops proceeded to land in three divisions, above, below, and in the centre of the town. Opposition had been anticipated, but none was offered: the town was found deserted by the inhabitants, and at four the British colours were flying on the Burman staff.

As soon as the alarm was given of the approach of the invading force, all foreigners in the town were seized and imprisoned, heavily fettered. The number of these persons was eleven, the majority of whom were British subjects. When the British force were in actual possession of the town, one of the imprisoned party, an American missionary, was released from his fetters, and deputed with a native

CHAP. XXVI. to inquire, on the part of the members of the civic government, who had taken refuge in the jungle, what terms would be granted, the inquiry being accompanied by an intimation that the applicants had several Englishmen in their power, and that the fate of those persons would probably depend on the answer of the British commander. They were told that it was too late to ask terms when the place was in possession of the English; that protection to persons and property was all that could be expected, and that the promise of this would not be confirmed until the prisoners were delivered up uninjured. Any outrage committed upon them, it was added, would be signally avenged. The messengers left, promising to return after consulting their employers, but these could not be found, their fear having driven them still further up the country. Three of the prisoners had, in the haste of flight, been left behind in Rangoon; the remainder the fugitives had carried away with them, and great fears were consequently entertained for their safety. Those fears were happily relieved on the morning after the occupation of the town, the missing persons being discovered by some reconnoitering parties, before whom the guards placed over them had fled.

In making the requisite disposition of the troops on shore, and in excursions by the boats to scour the river and destroy the armed boats and fire-rafts of the enemy, several brilliant instances of valour and enterprise occurred. A stockade having been observed in course of erection at the village

of Kemendine, only four miles from the shipping, it was attacked by a grenadier company of the 38th regiment and the boats of the Liffey, stormed with great intrepidity, and, though defended with much obstinacy by four hundred men, carried. Lieutenant Kerr, of the 38th, was killed, and Lieutenant Wilkinson, of the Liffey, dangerously wounded; but the enemy suffered still more severely, and left sixty of their number dead. In this affair the seamen of the Liffey commenced the attack without waiting for the soldiers, who were delayed by some mismanagement of the boats which conveyed them. At first, the enemy was inclined to treat the rusty blue jackets of the sailors with contempt; but an encounter with them hand to hand induced a very different feeling.

Some days afterwards, Captain Snodgrass, of the King's 38th, having observed a party of the enemy apparently employed in making observations on the British line, advanced with a small patrol for the purpose of ascertaining their strength and intentions. They found sentries and posts regularly established, which having driven before them for some distance, they were suddenly fired on from a stockade; but an entrance being observed in an angle of the work, which the enemy had neglected to shut, an immediate charge was ordered, and the British party, consisting of only eighteen men, drove from the stockade at least two hundred, with the loss of only three wounded.

The stockade thus gallantly carried was situated

CHAP. XXVI. at the junction of a pathway with a main road, and from the precautions taken for its defence, Sir Archibald Campbell conceived that the road must lead to some place from which it was important to keep the invading force. On the following morning, therefore, he proceeded with four companies of Europeans, from the King's 13th and 38th regiments, commanded by Captains Macphane, Piper, and Birch, a body of native infantry, a gun, and a howitzer, towards the stockade, which was found reoccupied, but only a few shots were fired from it. Advancing, they found other stockades, which they destroyed; but, from the nature of the country, and the fatigue incident upon traversing it, it became necessary to send back the guns, escorted by the native infantry. After proceeding some distance, the general with the European companies arrived in an extensive valley of paddy fields, whence the enemy could be perceived drawn out in a long line, with an impenetrable jungle in the rear. Suddenly, a heavy fire was opened upon the British troops from two stockades, so well masked as, at sixty yards distance, not to be distinguishable from a garden fence. Colonel Macbean kept the plain with a light company, while an assault was made on the stockades by the rest of the force under Major Evans, of the King's 38th, and Major Dennie,* of the

* This officer, after a long career of honourable service in the East, fell at Jellalabad during the Affghan war, while nobly leading his regiment, the gallant 13th, to attack the enemy's camp. The 13th, in recognition of its services in the Burmese and

13th. The first stockade was carried in ten minutes; the second in a very short time after, the garrison within, fighting man to man, being put to the bayonet. The enemy suffered severely; and the victors did not escape, the loss on their part including some valuable and meritorious officers. CHAP. XXVI.

An attempt was now made by the Burmese to gain time by mock negotiation, but without effect. At the end of May, Commodore Grant was compelled by ill health to withdraw to Penang, leaving Captain Marryat the senior naval officer. A. D. 1824.

An attack, made on the 3rd of June, upon a strong position of the Burmese at Kemendine, about two miles distant from the post whence the enemy had a few days previously been driven, partially failed, in consequence, it is said, of some British columns having been fired on from the river, either from their being mistaken for Burmans, or from the shot having too great a range. This mischance was repaired a few days afterwards. On the 10th, Sir Archibald Campbell moved upon the fortified camp and stockades at Kemendine, with about three thousand men, four eighteen-pounders, four mortars, and seven field-pieces, at the same time sending two divisions of vessels up the river. About two miles from the town the head of the column was stopped by a stockade, apparently of great strength and filled with men. Two heavy guns

Affghan wars, has been honoured with the title of Prince Albert's regiment of light infantry, together with other testimonies of royal approbation.

CHAP. XXVI. and some field-pieces having been opened on it, in less than half an hour a considerable gap became apparent in the outer works. A part of the Madras European regiment, supported by a part of the King's 41st, then moved on to assault. At the same time, an attack by escalade was made on the other side by a party formed from his Majesty's 13th and 38th regiments, who by helping each other up the face of the stockade, which was at least ten feet high, succeeded in entering about the same time as the party at the breach. The first man who appeared on the top of the work was Major R. H. Sale, of the 13th.* The enemy left above a hundred and fifty dead—among them the Burmese commander. This point being gained, the British force moved on to invest the chief stockade. Batteries were erected during the night and opened on the following morning. After a cannonade of two hours, a party, advancing to observe the breach, found that the enemy had evacuated the stockade, carrying with them their dead and wounded.

A pause in the progress of these operations affords opportunity for adverting to the circumstances in which the expedition was placed. It was unfortunately undertaken with very imperfect knowledge of the country, and without any adequate provision for securing supplies. These, it had been calculated, would be found on the spot; but the care

* Now Sir Robert Henry Sale, G.C.B., the splendid addition to whose fame gained in the Affghan war is almost rivalled by that of his heroic lady.

with which the enemy removed every article of sustenance frustrated the expectation. In addition to these difficulties others existed, seriously affecting the efficiency of the force and threatening the success of the expedition. With a tropical sun above, thick jungle around, and swamp beneath the feet, these sources of pestilence were aided by frequent deluges of rain. Almost every cause of disease and debility being thus actively at work, the health of the men rapidly declined, and fever and dysentery began fearfully to thin their ranks. Such was the cheerless and almost hopeless condition of the British force at the commencement of the Burmese war. Advance was impossible, and even to maintain the position which they had gained appeared almost hopeless.

While the invaders had every thing but defeat to dispirit and discourage them, the Burmese appeared to have lost nothing of that consolatory self-confidence, which had led them to brave the vengeance of the British power. Reinforcements and supplies of warlike stores were provided, and Thakia Woongyee, one of the chief ministers of state, was dispatched to take the chief command, with distinct orders from his master to attack the British, and drive them at once out of the country; a result which, looking at their condition, might have seemed practicable, even to persons whose powers of judgment were not distorted by Burmese arrogance. The havoc which disease and death had worked was however in some degree repaired by the arrival,

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during the month of June, of the second division from Madras, and by the return of two detachments which had been dispatched to Negrais and Cheduba. The former, under Major Wahab, had destroyed a stockade, and brought away the guns and ammunition found in it. The island being found utterly worthless in every respect, was summarily abandoned, though not without an excursion to the main land, in which a party under Lieutenant J. O. Stedman gallantly drove from a stockade a much larger body of the enemy, carrying off their guns to the boats. The expedition against Cheduba was conducted by Brigadier-General McCreagh, who having effected a landing in the face of considerable opposition, found a body of the enemy stockaded. A battery was erected and the stockade carried. The island was defended by six hundred Burmese, of whom about three hundred fell, and the remainder escaped to the main land. The Rajah of Cheduba was taken in a jungle. Leaving a small force in possession of the island, the commander with the rest joined the main body of the British army.

The time approached when it became necessary for the Burmese general to begin to act upon the orders of his sovereign; and the bustle of preparation which marked the concluding days of the month of June shewed that he was about to make the trial. The morning of the 1st of July was selected for the first attempt. Three columns of the enemy, estimated at a thousand men each, were observed marching to the right of the British position; a

large force also occupied the left. The attack commenced on the right, a large number of the enemy having penetrated between two of the British picquets formed on a hill, and begun firing from some swivels. The firing having been returned from two field-pieces, Captain Jones, of the 22nd Native Infantry, advanced at the head of three companies, and drove the enemy, at the point of the bayonet, from the hill into the jungle, "their favourite haunt and only place of safety," as justly described by Sir Archibald Campbell. Their loss in killed amounted to at least one hundred, while the English had not a single man either killed or wounded. Thus ended the first exploit of the new Burmese general; and his immediate supersession deprived him of all opportunity for attempting a second. The result seems to have induced his successor to conclude that the military genius of the Burmese lay rather for the defensive, and he stockaded his army in the most difficult part of the forest, whence desultory attacks were made almost nightly upon some part of the British lines. CHAP. XXVI.

The British commander, however, determined upon affording him opportunity for the display of his talents in a general action, and on the 8th of July two columns of attack were formed. One proceeded by land under the command of Brigadier-General Macbean; the other advanced by the river, and with it the commander-in-chief embarked. The enemy's principal stockade was erected on a broad and projecting point of land, where the river divides A.D. 1824.

CHAP. XXVI. into two branches. On the opposite bank of both branches stockades and other works were erected, enfilading the approach to the principal work, and thus all protecting each other. Fourteen pieces of artillery were silenced by the fire from the shipping conducted by Captain Marryat, and at the end of an hour the signal of 'breach practicable' being made from the mainmast head, the troops destined for the assault entered the boats. They consisted of a detail of the 3rd, 10th, and 17th Native Infantry, commanded by Major Wahab, under whom they made immediately for the breach. Lieutenant-Colonel Godwin, of the King's 41st, with two hundred and sixty men of his own regiment and one company of the Madras European regiment, pushed ashore at a little distance above and entered the work by escalade. The first stockade was carried with comparatively small loss. Colonel Godwin then re-embarked to attack the second stockade which was carried, and the third was evacuated by the enemy.

The operations of the land column were equally successful. On arriving, General Macbean found himself surrounded by stockades, the extent or strength of which he had very imperfect means of ascertaining, destitute of guns, and with a force which as to mere numbers was contemptible, when compared with that opposed to him. Nothing daunted by his perilous situation, he determined to trust to the courage of his men to supply the deficiencies of the means at his disposal. The scaling ladders were ordered to the front, and preparations made for

storming the enemy's works by parties taken from his Majesty's 13th, 38th, and 89th regiments. The principal work, in the centre of the enemy's line, was composed of three distinct stockades one within another. In the main one Soomba Wongee, the new commander-in-chief, had established his head-quarters, as he imagined, in perfect security. He was proceeding to dinner when the approach of the British troops was announced to him, and merely ordering his chiefs to their posts, to drive the audacious strangers away, he entered unmoved upon the work of refreshment. But the continued firing disturbed the quiet of his repast, and he judged it expedient to leave his meal unfinished and repair to the scene of action. He found that the capture of his first stockade had been the work of only ten minutes; that the second, after a stronger resistance, had yielded to the overwhelming courage of the assailants,—that the third was now attacked by men whose energy would not suffer them to wait for the ordinary assistance of ladders, but who were raised to the work on the shoulders of their comrades. The contest now was hand to hand. Major Sale singled out a chief of high rank for his opponent, and the haughty Burman soon fell by the sword of his English adversary.* Four other stockades were captured in succession, making seven within the space of half

* According to one account, it was the commander-in-chief—others represent it to have been a different chieftain. But the fact of a personal contest between Major Sale and a chief of high rank seems beyond doubt.

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an hour, and without the firing of a gun on the part of the British, all having been taken by escalade. Thus, in one day, the British army captured ten stockades, provided with thirty pieces of artillery, and garrisoned by numbers incomparably superior to those by which they were assailed. The enemy lost from eight hundred to a thousand men, their commander-in-chief, and three other men of distinction.

Shortly after this gallant achievement, the prospects of the British force were clouded by disappointment. An expedition, combining operations both by land and water, against a force stationed at Kyloo, was compelled to return without effecting, or indeed attempting to effect, its object. The land column was unable to advance from the inundated state of the country, and the sea column was unable to act from the want of co-operation on land. Other movements were more fortunate. At Syriam, a body of troops were dislodged from an old fort with little difficulty, beyond that arising from access to the place being impeded by a deep and impassable creek. This was overcome by a party of sailors under Captain Marryat, who in a very short time constructed a bridge, which enabled the attacking column to pass over. A party of the enemy were with equal facility driven from a pagoda, which, with a moderate degree of firmness in those within, might have been maintained for a long time. A successful attack was also made by a detachment, under Lieutenant-Colonel Kelly, of the Madras

European regiment, upon two stockades on opposite sides of a creek near Dalla: great spirit and perseverance were displayed in this attack. The officers being less encumbered than the men, formed line breast-deep in mud and water, and thus passed from one to another the scaling ladders to be placed against the walls of the stockade first attacked. It was immediately carried. Part of the troops being then re-embarked took possession of the opposite stockade.*

The stockades were not destroyed, and as the

* The loss of the British was severe. Among the wounded was Lieutenant Maw, of the Liffey, author of a memoir of the early operations of the Burmese war. His own account of the misfortune is a characteristic specimen of nautical liveliness and *nonchalance*:—" I was looking towards an angle of the stockade that appeared to me not to be entirely finished, and where I was thinking we might possibly get in, when I was knocked down. I had not thought of being shot—for what will not use do? And I had really seen so many knocked down, that I had begun to think I never should be hit. My first impression was surprise; and next, that I was killed; for I could not move even a finger, although my senses were clear. I heard the bargemen exclaim, some that I was killed, others that I was shot; but one and all they rushed forward to save me. By this time the troops were beginning to land, and Lieutenant Fraser coming over, and supposing that I was killed, ordered the bargemen to leave me and go to the stockade. Their answer, I believe, was, that they had brought me on shore, and dead or alive they would carry me off. I was nearly suffocated with blood, and my tongue was split into three pieces; but I made them understand to keep up my head, and to get the sword that had fallen from my hand, which they did, and having carried me to a boat, returned to the works. Had the troops marched over me, it is more than probable that instant death would have been the consequence."—Memoir, pp. 78-79.

CHAP. XXVI. enemy raised several additional works, and thence sallied on predatory excursions, it became necessary again to expel them. This was effected, and in performing the service the gun-boats, under the orders of Captain Marryat, were eminently useful.

A.D. 1824. During the month of September little of importance occurred, but early in October misfortune again awaited the British arms. Lieutenant-Colonel Smith marched with a detachment of native infantry to attack a part of the enemy's force, which had taken up a position in the neighbourhood of Aunauben, and the pagoda of Kyloo, about fourteen miles from the British head-quarters. After succeeding in some minor affairs the pagoda was attacked, but a tremendous fire from within knocked down the principal officers, and spread such panic through the troops that retreat was the only course left: this disastrous result appears to have been aided by the treachery of the guides, whose instructions were followed. Panic, on this occasion, was not confined to the assailants; for on General M'Creagh advancing a few days afterwards, he found the stockades deserted, and the enemy in disorderly flight; all efforts to overtake them were unavailing. About the same time, an expedition directed against a post at Thantabain was completely successful; the works, though of great strength, were carried almost without resistance, and the British did not lose a single man.

An expedition under Colonel Godwin, dispatched against Marteban, arrived there on the

29th of October; but the state of the tide being unfavourable for immediate landing, advantage was taken of the requisite delay to examine the place with considerable care. The town was situate at the foot of a very lofty hill, washed by a beautiful and extensive sheet of water. On its right was a rocky mound, on which was placed a two-gun battery, with a deep nulla under it. The battery was found to communicate with a timber stockade, and behind this was a work of masonry, varying from twelve to twenty feet in thickness, with small embrasures for either cannon or musketry. The stockade ran along the margin of the water for more than three-quarters of a mile, joining at the extremity a large pagoda, which projected into the water in the form of a bastion. The defences thence were continued for a short distance further, terminating in a nulla, beyond which all was thick jungle. The town continued to run in an angle from the pagoda for above a mile, and terminated at the house of the chief, close to a stockade up the hill. The rear of the town and works was protected by thick jungle and large trees. During the night of the 29th a cannonade was kept up. At five o'clock on the following morning a party proceeded to land. It consisted of ninety-eight men of the King's 41st regiment, seventy-five of the 3rd Madras Native Infantry, eight of the Bengal Artillery, and thirty-eight seamen; in all two hundred and nineteen. Some little difficulty occurred from a mistake as to the point of landing, but it was over-

CHAP. XXVI. come; and from the time that the feet of the assailants pressed the shore, there was no halt till the place was in their possession. The number of the garrison was in a great degree matter for conjecture only, but it was estimated by Colonel Godwin at between three and four thousand; and in thus calculating he assumed its strength at only two-thirds of that assigned to it by common report. A great number of guns were taken, and the magazines and arsenals furnished a vast quantity of ammunition: one thousand round iron shot, one thousand five hundred grape shot, ten thousand musket cartridges, six thousand cartridges for wall pieces, twenty-six thousand eight hundred pounds of gunpowder, twenty thousand flints, one hundred thousand musket-balls, ten thousand pounds of saltpetre, five thousand pounds of sulphur, nine thousand pounds of lead. There was a regular manufactory of gunpowder, which Colonel Godwin blew up.

A period of comparative repose which followed allows space for turning to the progress of the British arms in quarters remote from the principal scene of operations. In August, a small expedition, under Lieutenant-Colonel Miles, was dispatched by Sir Archibald Campbell to the coast of Tenasserim. It arrived on the 1st of September at the mouth of the river leading to Tavoy, but from some impediments to its progress did not reach the fort until the 8th. The capture of this fort was not a work of difficulty; for the Burmese officer second in command

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sent a message to Colonel Miles, offering to seize or destroy his superior, or to obey any orders that the British commander might dictate. The answer of Colonel Miles was, that the British force was on the point of advancing, and that the governor must be arrested and confined till its arrival. This was done, and Colonel Miles on arriving had only to make the necessary dispositions for occupying the fort, pettah, and all the defences. Colonel Miles then moved forward to attack Mergui. Here, after about an hour's firing, the batteries were silenced by the Company's cruizers, and the troops proceeded to land. A party of the King's 89th then advanced to the stockade through deep mud and water, under a torrent of rain and a heavy fire from the enemy. As soon as ladders could be brought up an escalade was undertaken, and the place immediately carried. These services being performed, Colonel Miles, leaving sufficient garrisons, with part of the flotilla to protect the conquests on the coast, returned to join the main force at Rangoon.

The operations on the frontier, it will be remembered, were undertaken principally with a view to defence. To a certain extent they were successful, and the British authority was established over a considerable portion of Assam. In Arracan its interests were less prosperous. A detachment, under Captain Noton, had been left at Ramoo to watch the enemy in that quarter. It being reported that the enemy were threatening a British stockade at Rutnapulluing, Captain Noton, on the

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11th of May, made a movement to support that position; but his progress being attended with a variety of disasters, and the conduct of some provincial troops evincing that little confidence could be placed in them, he retired to Ramoo. On the morning of the 13th of May the enemy appeared in great force on the hills to the east of that place. Their precise number could not be ascertained, but from the extent of ground which their encampment covered, it was computed that they amounted to ten thousand fighting men, besides an equal number of coolies and camp followers. The force of Captain Noton consisted of about three hundred and fifty regular native infantry and six hundred and fifty provincial and irregular troops. The latter could in no respect be depended on; and with three hundred and fifty men to resist successfully a force of the estimated strength of the Burmese, was obviously not to be hoped for. Captain Noton, however, expected reinforcements from Chittagong, and in the belief that they would immediately arrive, he determined, with the concurrent opinion of his officers, to defend the post which he occupied at Ramoo.

A river flowed between the enemy and the British detachment. On the evening of the 14th the entire force of the former was observed to be concentrated on the bank, with the apparent intention of crossing. To frustrate their purpose, a party with two six-pounders was detached. On the morning of the 15th, however, the enemy con-

trived to pass the river unobserved, and commenced entrenching themselves about three hundred yards in front of the British position. The right flank of that position was protected by the river and by a tank about sixty yards in advance: its rear was defended by another tank. These tanks were surrounded by embankments about three feet high; that on the right was occupied by the picquet, who opened a fire on the enemy, which was kept up without intermission during the day and throughout the succeeding night. But their fire appears to have done little damage, and the effect of the two six-pounders, which were directed against the enemy as they crossed the plain, was but small. Early on the 16th it was discovered that the enemy had opened trenches on the left flank of the British, and had considerably advanced those which they had previously opened in front. On this day the provincial troops, in addition to the cowardice which they had previously displayed, manifested symptoms of disaffection, and it being discovered that an intention existed of deserting to the enemy, Captain Noton arrested the ringleaders in the mutinous movement, and took measures to prevent the remainder acting on their suggestions. Under all these disheartening circumstances, Captain Noton determined to maintain his post, he having on the preceding day received information that the expected reinforcement from Chittagong was to leave that place on the 13th, and consequently its arrival might be hourly looked for. But by day-

CHAP. XXVI. break on the 17th the enemy had carried their trenches to within twelve paces of the picquet, and had also very nearly approached the tank which sheltered the British position in the rear. By ten o'clock they were in possession of the tank, and consternation diffusing itself throughout the provincial and irregular troops, the whole fled with precipitation. There was no course but retreat, and even orderly and successful retreat must have appeared almost hopeless. The picquet was recalled, but from the confusion and noise that prevailed, the notice for its return was not heard, and the rest of the detachment proceeded, leaving their more advanced comrades to their fate. By accident the officer commanding the picquet perceived the retrograde movement, but not till those making it were at a considerable distance. He then withdrew his men, and made an effort to join the main body, in which he succeeded; and for about half a mile the whole proceeded in tolerable order. The enemy's cavalry then pressing on the retreating troops with overwhelming force, a square was ordered to be formed; but the men, worn out by fatigue and privation, and appalled by the fearful circumstances in which they were placed, responded not to the command. Order and discipline were at an end, and no exertions of the officers could restore them. The attention of every sepoy was directed to his own safety, and none thought of any thing besides. Hastily throwing away their arms and accoutrements, the troops dispersed in every direction,

leaving to their officers no choice but that of providing, if it might be practicable, for their own escape. Three only, Lieutenant Scott, Lieutenant Codrington, and Ensign Campbell, succeeded in effecting it, and the two former were severely wounded: Captain Noton and the remainder were killed.*

The success of the Burmese in this instance might have been expected to encourage them to push their fortune in a quarter where victory had crowned their first attempt, and some apprehensions of their advance were entertained at Chittagong and Dacca, and even at Calcutta. This apparently natural consequence did not follow; but the withdrawal of the British force from Sylhet to protect Chittagong, after the defeat at Ramoo, emboldened the Burmese again to enter Cachar. The alarm for the safety of the British possessions subsiding, the movement of the force from Sylhet was countermanded, and on its return its commander, Colonel Innes, after a short interval of rest proceeded into Cachar. The events which followed were of indecisive character, and would possess no interest in the recital. It will be sufficient to state that little advantage was gained by either party, and that sickness, caused by the unhealthy nature of the country, ultimately compelled the British commander to suspend active operations.

* The names of those who thus fell with Captain Noton were Captain Trueman, Captain Bright, Lieutenant Grigs, Ensign Bennett, and Assistant-Surgeon Maysmore.

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The prowess of the army of Arracan, and of Mengee Maha Bundoola, who commanded it, made so deep an impression on the court of Ava, that it was thought their warlike capabilities might be advantageously employed in repelling the invading force, which, under Sir Archibald Campbell, had entered the Burmese territories. They were consequently withdrawn from Arracan, and the general, after visiting Ava to receive congratulations on the past and instructions for the future, proceeded at the head of an army, formidable in point of numbers at least, to attack the invaders.

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On the 1st of December, after various indications of its approach, the Burmese army presented itself in front of the British position, with the obvious intention of surrounding it. Entrenchments were thrown up with extraordinary rapidity.* In the

* Major Snodgrass gives the following account of this operation :—" In the course of a few hours we found ourselves completely surrounded, with the narrow channel of the Rangoon river alone unoccupied in our rear, and with only the limited space within our lines that we could call our own. The line of circumvallation taken up by the enemy obviously extended a very considerable distance, and, divided as it was by the river, injudiciously weakened his means of assailing us on any particular point; but as far as celerity, order, and regularity are concerned, the style in which the different corps took up their stations in the line, reflected much credit on the arrangements of the Burmese commander. When this singular and presumptuous formation was completed, the soldiers of the left column, also laying aside their spears and muskets, commenced operations with their entrenching tools with such activity and good will, that in the course of a couple of hours their line had wholly disappeared, and could only be traced by a parapet of new earth gradually increasing in

afternoon this labour was interrupted by a visit from a detachment of the British army under Major Sale, which was so totally unexpected, that the approach of the party was not perceived till it was too late to do any thing effectual towards repelling them. Having burst through the entrenchments and slain great numbers, the detachment returned, loaded with the enemy's arms, standards, and tools. In the evening a mass of skirmishers, who

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height, and assuming such forms as the skill and science of the engineer suggested. The moving masses which had so very lately attracted our anxious attention had sunk into the ground; and by any one who had not witnessed the whole scene, the existence of these subterraneous legions would not have been credited: the occasional movement of a chief, with his gilt chattah (umbrella), from place to place, superintending the progress of their labour, was the only thing that now attracted notice. By a distant observer, the hills, covered with mounds of earth, would have been taken for any thing rather than the approaches of an attacking army; but to us, who had watched the whole strange proceeding, it seemed the work of magic or enchantment........... The trenches were found to be a succession of holes, capable of containing two men each, and excavated so as to afford shelter both from the weather and the fire of an enemy; even a shell lighting in the trench could at most kill but two men. As it is not the Burmese system to relieve their troops in making these approaches, each hole contained a sufficient supply of rice, water, and even fuel, for its inmates; and under the excavated bank a bed of straw or brushwood was prepared, in which one man could sleep while his comrade watched. When one line of trench is completed, its occupiers, taking advantage of the night, push forward to where the second line is to be opened, their place being immediately taken up by fresh troops from the rear, and so on progressively; the number of trenches occupied varying according to the force of the besiegers, to the plans of the general, or to the nature of the ground."—Snodgrass's Narrative of the Burmese War, pp. 101—104.

CHAP. XXVI. had been pushed forward by the enemy, were driven back by two companies of the 38th regiment, under Captain Piper. Various attacks were made during the day upon the British post at Kemmendine, and attempts to drive the British vessels from their stations by the despatch of fire-rafts,* but these were met and frustrated with signal gallantry and admirable effect by the British force under Major Yates and Captain Ryves.

* From the following account given by Major Snodgrass of these rafts, it will be seen that they were by no means despicable as engines of destruction:—"The fire-rafts were, upon examination, found to be ingeniously contrived and formidably constructed, made wholly of bamboos firmly wrought together, between every two or three rows of which a line of earthen jars, of considerable size, filled with petroleum or earth-oil and cotton, were secured; other inflammable ingredients were also distributed in different parts of the raft, and the almost unextinguishable fierceness of the flames proceeding from them can scarcely be imagined. Many of them were considerably upwards of a hundred feet in length, and were divided into many pieces attached to each other by means of long hinges, so arranged that when they caught upon the cable or bow of any ship, the force of the current should carry the ends of the raft completely round her, and envelope her in flames from the deck to her top-mast head, with scarcely a possibility of extricating herself from the devouring element. With possession of Kemmendine, the enemy could have launched these rafts into the stream from a point where they must have reached our shipping in the crowded harbour; but while we retained that post, they were obliged to dispatch them from above it, and the setting of the current carried them, after passing the vessels at the station, upon a projecting point of land where they almost invariably grounded: and this circumstance, no doubt, much increased Bundoola's anxiety to drive us from so important a position."—Narrative, pp. 105—107.

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Between the 1st and the 4th of December the enemy continued their approaches, and the British posts were annoyed by frequent attacks. Sir Archibald Campbell determined to become the assailant on the 5th. The left wing of the enemy was chosen for the intended attack; and, in aid of it, Captain Chads was requested to move up the Puzendoor creek during the night with the flotilla, and commence a cannonade on the enemy's rear at daylight. These orders were executed with great precision and effect. The enemy were thus kept employed by the naval force, until two columns of attack which had been formed advanced upon them. One, consisting of eleven hundred men, under Major Sale, was directed to penetrate their centre; the other, consisting of four hundred men, under Major Walker, of the 3rd Madras Native Infantry, was directed against their left, which had approached within a few hundred yards of Rangoon. Both attacks were successful; the enemy fled in great confusion and suffered dreadful loss. The loss of the English was not great; but among the killed was Major Walker, the leader of one of the victorious columns.

On the 7th the contest was renewed. Four columns of attack were formed under the superintendence of Colonel Miles, and under the immediate command respectively of Lieutenant-Colonel Mallet, Lieutenant-Colonel Parlby, of the Madras army, Lieutenant-Colonel Brodie, also of the Madras army, and Captain Wilson, of the King's 38th. The approach of the troops was preceded by a heavy can-

CHAP. XXVI. nonade, after which the columns advanced in the directions assigned to them—Colonel Mallet's on the enemies' right, Colonel Brodie's on their left, Colonel Parlby's and Captain Wilson's in their centre. An attack upon so many points at once gave a momentary shock to the enemy, which for a brief period seemed to paralyze them; but they soon recovered, and made a brave though unsuccessful defence. They were totally put to the rout, and flying into the jungle, left the British masters of their entrenchments. A body of the enemy, which lingered on the Dalla side of the river, was subsequently dispersed with little either of trouble or loss.

The scattered army of the Burmese being reassembled and strengthened by considerable reinforcements, it was resolved that an effort should be made to turn the tide of fortune, and retrieve the disgrace of defeat. It accordingly returned to Kokeen, formerly occupied, and which was now rendered formidable by numerous entrenchments and stockades. The first exploit of the Burmese after their return was to set fire to the town of Rangoon. Such an occurrence had been apprehended. The population of the town which had fled on the arrival of the invading force had begun to return, and all who came unarmed were freely admitted. Among those who availed themselves of the privilege were many emissaries of the Burmese general, whose only object was to watch for an opportunity of perpetrating mischief. "Our situation," says the military

secretary to the commander of the expedition,* "became critical in the extreme; spies, assassins, and incendiaries lurked in every corner of Rangoon; every native within our lines became an object of suspicion, and the utmost vigilance of the troops, combined with the energy and decision of their commander, could alone have prevented our losing every advantage of our late successes by the destruction of our stores and magazines, and the consequent impossibility of our following up the blow that had been given, even if greater disasters did not befall us." He adds, "the inflammable materials of which the town was composed required but a single firebrand to envelope our cantonments and every thing they contained in a general conflagration; while the unseen enemy, lurking in the outskirts of the jungle, were held in constant readiness to rush in upon our lines during the confusion which so dreaded an occurrence could not fail to produce." The wishes of the enemy were, however, not gratified to their full extent. On the 14th of December the town was fired in several places simultaneously; happily the exertions of the garrison succeeded, after two hours, in stopping the progress of the conflagration, though not until half the place had been destroyed. The enemy contented themselves with this extent of mischief, and did not venture to take advantage of the occasion to make an attack. But they were not therefore permitted to enjoy repose. On the

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* Major Snodgrass.

CHAP. XXVI. following day the Burmese army was attacked by the British general. The attempt was marked by a degree of daring almost amounting to temerity, and, perhaps, had any other course been open, Sir Archibald Campbell would not have resorted to this. The position of the enemy was so formidable that the British commander declared that, but for the confidence which he felt in his troops, he should have hesitated to attack it with less than ten thousand men. The Burmese force consisted of at least twenty thousand; that which could be spared for attacking them amounted to only fifteen hundred, the remainder being necessarily left to guard the lines.

A column under Brigadier-General Willoughby Cotton was ordered to make a dětour round the enemy's left, for the purpose of gaining his rear. This column consisted of two hundred of his Majesty's 13th regiment and three hundred of the 18th and 34th Madras Native Infantry, with one field-piece and a detachment from the governor-general's body-guard which had joined the army at Rangoon some time previously. Another column, which Sir Archibald Campbell accompanied, was destined to attack the enemy in front: it comprised five hundred men from the King's 38th, 41st, and 89th regiments, and the Madras European regiment, three hundred from the 9th, 12th, 28th, and 30th regiments of Madras Native Infantry, five field-pieces, and a detachment from the governor-general's body-guard. Of this column two divisions were formed, one

commanded by Colonel Miles, the other by Major CHAP. XXVI.
Evans. The order to General Cotton was to wait at the position assigned to him till a signal from the other column. The disposition of the latter being completed, the prescribed signal was given and immediately answered. The artillery then opened, and the troops, with their scaling ladders, moved forwards. Their advance was treated with contempt by the Burmese, who looked on their apparent presumption as little short of madness. They persevered, however, and entering by escalade, drove the Burmese from the ramparts at the point of the bayonet. Fifteen minutes sufficed to put the British in possession of that which Sir Archibald Campbell pronounced "the most formidable entrenched and stockaded works" which he had ever seen—those works being defended by men whose thousands outnumbered the hundreds of those by whom they were attacked and beaten. The Maha Bundoola did not command in person on this occasion, having retired to some distance, and left the command to another chief.

On the same day a part of the naval force, under the command of Lieutenant Kellett, of the Arachne, succeeded in an attack upon a number of war-boats, more than forty of which were captured: about thirty were retained, the remainder destroyed. The expedition was placed in circumstances of great danger from the fire-rafts of the enemy, but the peril was escaped, and several of these instruments of mischief, with a great mass of materials for their

CHAP. XXVI. construction, were destroyed. This was but one among many brilliant exploits performed by the naval force, the majority of which it would be impossible to notice, excepting in a narrative devoted exclusively to the events of the Burmese war.

The enemy, after their signal defeat on the 15th of December, retired upon Donobeer, and the British force returned to its cantonments. Reinforcements, consisting of his Majesty's 47th regiment, some cavalry and artillery, arriving, Sir Archibald Campbell determined to advance upon Prome, the second city of the Burman empire. Before taking this step it was necessary to dislodge an advanced division of the Burmese force, stockaded at Thantabain, on the Lyne river. This task, which was allotted to a detachment under Colonel Godwin, assisted by a naval force under Captain Chads, was performed effectively, and almost without loss on the part of the assailants.

The force which the general was enabled to equip for the purpose of advancing upon Prome was of very moderate amount. One column, to proceed by land, was composed of twelve hundred and thirty European infantry, six hundred sepoys, the governor-general's body-guard, amounting to something more than five hundred, a troop of horse artillery, and a rocket troop, with about two hundred and fifty pioneers. This, which was under the immediate command of Sir Archibald Campbell, was to proceed in a direction parallel with the Lyne river, and to join the Irawaddy at the nearest prac-

ticable point, to co-operate with the water column. CHAP. XXVI.
That column consisted of eight hundred European infantry, two hundred and fifty sepoys, a rocket troop, and a powerful train of artillery. It was commanded by Brigadier-General Cotton. The men were embarked in the flotilla, which comprised sixty boats, commanded by Captain Alexander, and escorted by the boats of the men-of-war lying at Rangoon, containing upwards of a hundred seamen. Another force, consisting of two hundred and fifty European and five hundred native infantry, commanded by Major Sale, was embarked in transports for the purpose of occupying Bassein. It may be here noticed that this duty was performed without much difficulty, and Major Sale, with the chief part of his force, rejoined the main army. After the departure of the bodies of troops commanded respectively by Sir Archibald Campbell, Brigadier-General Cotton, and Major Sale, nearly four thousand effective men were left in Rangoon, under Brigadier-General M'Creagh, to abide further orders.

These arrangements being completed, Sir Archibald Campbell commenced his march on the 13th of February, which he continued till the 11th of March, when intelligence, which met him at U-au-deet, induced him to suspend his advance. A.D. 1825.

The water column for a time proceeded not unprosperously, attacking and destroying a number of stockades on its progress. On the 8th of March it took up a position about two miles below Donobew, and a flag of truce was dispatched with a summons

CHAP. XXVI. to surrender. This being refused, an attack by two columns, commanded by Lieutenant-Colonel O'Donoghue, of the King's 47th regiment, and Major Basden, of the 89th, was commenced on the pagoda stockade, which was carried, the enemy sustaining dreadful loss. The second defence, about five hundred yards distant, was then attacked; but the attempt failed, apparently from some deficiency of steadiness in the assaulting party;* and General Cotton felt it advisable to re-embark his troops. On receiving the news of this failure, Sir Archibald Campbell resolved to return with his column to assist in the reduction of Donobew, and, after a most fatiguing march, he arrived before that place on the 25th. He found the fort much too extensive to be surrounded by the force at his disposal; and, although anxious for the immediate fall of the place, he preferred (using his own words) "loss of time to loss of lives," and took his mea-

* The following extract from the official account of the unfortunate affair seems to afford countenance to this view:—"When it was presumed that a sufficient impression had been made from the batteries, two hundred men, under the command of Captain Rose, of his Majesty's 89th regiment, advanced in two parties to the storm. A destructive fire was immediately commenced from all parts of the face of the work, which caused the columns to diverge to the right of the point of attack, and get into a ditch described to be filled with spikes, and scarped so as to expose it to the fire of the work. All who presented themselves were knocked down; and here I regret to say that Captain Rose, who had received one wound, fell by a second shot while persevering in the attack, and shewing a gallant example to his troops."—Despatch from Brigadier-General Cotton to Sir Archibald Campbell, March 9, 1825.

sures with great caution and deliberation.* The naval commander was required to move up the river, to form a junction with the force under the commander-in-chief, and on the 27th the flotilla appeared in sight. It was no sooner observed than

* The following description of the place is given by Major Snodgrass:—"The stockade of Donobew extended for nearly a mile along a sloping bank of the Irawaddy, its breadth varying, according to the nature of the ground, from five to eight hundred yards. The stockading was composed of solid teak beams, from fifteen to seventeen feet high, driven firmly into the earth, and placed as closely as possible to each other: behind this wooden wall the old brick ramparts of the place rose to a considerable height, strengthening the front defences by means of cross-beams, and affording firm and elevated footing to the defenders. Upwards of a hundred and fifty guns and swivels were mounted on the works, and the garrison was protected from the shells of the besiegers by numerous well-contrived traverses and excavations............ A ditch of considerable magnitude and depth surrounded the defences, the passage of which was rendered still more difficult by spikes, nails, holes, and other contrivances. Beyond the ditch several rows of strong railing were next interposed, and in front of all an abatis, thirty yards broad, and otherwise of a most formidable description, extended round the place, except on the river face, where the deep and rapid Irawaddy presented a sufficient barrier, its breadth at this season not exceeding seven hundred yards, and not a boat could pass without being exposed to a heavy fire from the stockade. Before the right face, or that lowest down the river, two strong outworks were constructed, the first of which had been taken by the marine column, the second having proved too strong to be carried by so small a force. A heavy and extensive jungle intervened between the right and rear faces, covering about a third of the latter, beyond which, however, a fine open plain extended to the river. Upon this plain, at long-shot distance from the fort, the division was encamped, and preparations immediately commenced for breaking ground and proceeding systematically against the place."—Memoir, pp. 165—167.

CHAP. XXVI. the garrison made a sortie with a considerable force and seventeen war elephants, fully caparisoned, bearing on their capacious bodies armed men. The governor-general's body-guard, under Captain Sneyd, was ordered to charge, which they did with great spirit, dashing in among the elephants, and shooting the riders off their backs. The animals stood the charge with far more coolness than might have been expected, manifesting little fear, and when released by the shots of the British troops from the control of their masters, retiring very calmly to the fort. The sortie failed to accomplish any object for which it could have been designed, and the flotilla gained the fort with small loss, though exposed to a heavy cannonade.* While the troops on land were engaged in making approaches and erecting batteries, the naval force found occupation in pushing up the river in pursuit of the enemy's war-boats, several of which were captured. On the 1st of April the

A.D. 1825.

* In connection with this affair, Major Snodgrass relates the following striking instance of the energy of Burmese discipline:—"During the heavy cannonade that took place between the boats and the stockade, Bundoola, who was superintending the practice of his artillery, gave his garrison a specimen of the discipline he meant to enforce in this last struggle to retrieve his lost character and reputation. A Burmese officer being killed while pointing a gun, by a shot from the flotilla, his comrades instantly abandoning the dangerous post, could not be brought back to their duty by any remonstrances of their chiefs; when Bundoola, stepping down to the spot, instantly severed the heads of two of the delinquents from their bodies, and ordered them to be stuck up upon the spot, '*pour encourager les autres*.'"—Memoir, pp. 171, 172.

mortar and enfilading batteries commenced firing, and on that day Bundoola was killed by a rocket, after which neither threats nor entreaties on the part of the other chiefs could prevail upon the garrison to remain. They all fled in the course of the night. The breaching batteries commenced their fire in the morning at daylight, but simultaneously with their opening the enemy's small rear guard was discerned in full retreat towards the jungle, and two lascars, who had been made prisoners, came running out of the fort to announce the state of affairs there in the British camp. The line was immediately under arms, and the deserted place speedily occupied by a new garrison. The flight of the enemy had been so hurried that no measures had been taken for the destruction of that which could not be removed, and one of the most welcome prizes secured by the English was a store of grain equal to supply the wants of the garrison for several months.

Immediately after the capture of Donobew, Sir Archibald Campbell resumed his march in the direction from which the ill tidings from that place had withdrawn him. On the 14th of April he was again at U-au-deet, from whence he had retrograded a month before, having been joined on his route by Brigadier-General M'Creagh, with a column of reserve from Rangoon, and a supply of elephants, which were much wanted for the use of the commissariat department. On the 19th he was met by a Burmese messenger, bearing a pacific communication. He

A.D. 1825.

CHAP. XXVI. was a man advanced in years, but his discretion seems to have borne no reasonable proportion to his age. "The old man," says Major Snodgrass, "drank much too freely for a diplomatist, and when he rose to take his departure, whispered in the general's ear: 'They are frightened out of their senses, and you may do what you please with them.'" On the 24th of April Sir Archibald Campbell was within sight of Prome, of which place he took possession on the 25th without firing a shot, the enemy having deserted it in the night, leaving in the works above a hundred pieces of artillery and extensive supplies of grain. The town was on fire, and one entire quarter was destroyed. A number of war-boats, with a large quantity of arms, were a few days afterwards captured by a division of the flotilla under Lieutenant Wilkinson, which had been sent up the river for the purpose.

Before his arrival at Prome, Sir Archibald Campbell was met by another overture for negotiation in addition to that already mentioned; but its object seemed rather to save Prome from falling into the hands of the English than to restore peace, and its tone in one instance approached the language of threatening. "There are armies on both sides," it was said, "and the space between them would afford sufficient room for a meeting to take place. Let the British army stay on such grounds as it may select on the arrival of this letter, by which the inhabitants of Prome will be delivered from great trouble and distress." The answer of the British general was, as on the former occasion, that

the military occupation of Prome by the British was indispensable; but the letter containing this answer was never received, the messenger by whom it was carried finding the city deserted by the Burmese authorities. But for the cowardice of the enemy, Prome must have presented an almost impassable barrier to the progress of the British army. By nature and art it was rendered so formidable that, in the judgment of Sir Archibald Campbell, ten thousand steady soldiers might have defended it against ten times that force.

At this place several months were spent in inactivity, in consequence of the setting in of the rains and the prevalence of inundations; but the troops were in comfortable cantonments—an important consideration at such a season. Sickness returned, but not to the same extent as at Rangoon, and the loss of life was comparatively small.

The suspension of active warfare in this part of the Burmese dominions affords a convenient opportunity for returning to the events on the frontier. On resuming operations the first object was to clear Assam of the Burmese, who had been only partially expelled, and who, on the retirement of the British troops to their cantonments, had re-occupied some of the stations from which they had previously been driven. This duty was assigned to a force under Lieutenant-Colonel Richards. It was performed with great spirit and activity; but as the Burmese generally fled on the approach of the British troops, could be brought to action only by stratagem, and when thus

CHAP. XXVI. entrapped, took the earliest opportunity of flying, a minute recital of the operations would be destitute of interest.

A. D. 1825. In January, Colonel Richards was enabled to advance upon Rungpore, and on the 25th his head-quarters were only eight miles distant from it. On the 27th the garrison made an attack upon the advanced post of the encampment. On hearing the firing, Colonel Richards moved forward, and found the enemy threatening to surround a party defending the post under the command of Captain Macleod. To encourage the Burmese to advance, Colonel Richards withdrew the party from the post and suspended firing. This had the desired effect; and as soon as the enemy shewed a sufficient front, the British commander ordered a charge: the Burmese, however, declined waiting for it, and fled with great precipitation.

Having received some reinforcements, Colonel Richards proceeded towards Rungpore. A stockade which had been erected across the road was carried by escalade; a fortified bank on the right, and two temples, one on the right and one on the left, were also occupied. These successes had the effect of bringing a flag of truce from the fort. Its bearer was a Budhist priest, born in Ceylon, but many years a resident in Bengal and the Eastern islands, in the employment of various public servants. These employments he had lately exchanged for the exercise of his sacerdotal functions to the authorities in Assam. The acquaintance with British habits and

customs which his former experience had given him probably led to his selection for this duty. On being admitted to Colonel Richards, he inquired what were the objects of the advance upon Rungpore. These being explained, the priest departed, promising to return within a specified time. He did return, and pointing out the difficulties in the way of accommodation, caused by the contests of conflicting factions within the fort, requested some further explanation of the British commander's views, with which request Colonel Richards complied. He instructed the priestly negotiator to inform the Phokuns (who were brother-chieftains of considerable power and influence) that if they were prepared to make terms of alliance with the British government he was ready to meet them; that if they were bent on fighting, he was equally ready; and if they wished to retire out of Assam, they might do so, provided they took the most direct route, committed no ravages on the road, and carried away none of the inhabitants then in their possession by force. The last course was finally acted upon. All who chose left the fort; the remainder surrendered to the English on conditions, one of which was, that on the conclusion of peace they should not be delivered up to the king of Ava—a result of which they entertained great dread, and against which they evinced intense anxiety to be secured. To justify the guarantee to a part of the garrison of permission to escape, Colonel Richards represented that he was without the means of effectually pursuing them;

CHAP. XXVI. that he was dependent for supplies upon the fleet, lying twenty miles down a river which was not navigable above its position; that the acquisition of Rungpore was of great importance; and that regard was to be had to the captive Assamese inhabitants, who would have been sacrificed by a different course. These reasons were certainly not without weight. The possession of Rungpore involved the virtual occupation of the whole of Assam. The Burmans made A.D. 1825. some border irruptions in May and June, and erected stockades; but they were driven out by parties of the British force, not without fatiguing marches, but almost without fighting.

From Sylhet it was proposed to march a large force through Cachar and Manipur to make a demonstration against the Burmese territory in that quarter. For this purpose about seven thousand men were collected, and placed under Brigadier-General Shuldham, who was appointed to command on the eastern frontier. The attempt was made, but abandoned, from the difficulties presented by the country and the state of the weather. The beasts employed to convey stores and supplies perished in vast numbers; some dying of fatigue, some from dislocating their limbs as they laboured through the plashy soil, and others from being so deeply fixed in the mire that no efforts could extricate them. The loss of bullocks, camels, and elephants was enormous.

The difficulties which had been insurmountable by a regular force, were, however, overcome by an undisciplined body of about five hundred men, under

Gumber Singh. This force, which was accompanied by a British officer, Lieutenant Pemberton, succeeded, by the middle of June, in reaching the western boundary of Manipur. The Burmans were posted in the principal town, but they fled on the approach of Gumber Singh's party, and in a short time completely evacuated the district. Having left a division of his force for defence, the leader of the expedition returned with Lieutenant Pemberton to Sylhet.

But the grand blow to the Burmese power from this quarter was to be directed against Arracan. The primary object was to occupy that province, and this being accomplished, it was believed that the force employed might be enabled to co-operate with the army on the Irawaddy. An army of eleven thousand men was assembled in Chittagong, under the command of Brigadier-General Morrison. A flotilla, under Commodore Hayes, was attached to it. It consisted of several pilot vessels and armed brigs, ten gun-pinnaces, and a large number of gun-boats, each carrying a twelve-pounder carronade. In consequence of insuperable impediments, General Morrison was unable to move until January. The coast was thought to offer the most eligible line of march, and a part of the troops proceeded by sea, while the remainder moved by land. The arrival of the former was delayed by adverse weather; and an unsuccessful attack on some stockades, by part of the flotilla, was attended by some loss. A junction of the two branches of the force was, however, effected; and

CHAP. XXVI. the expedition advanced in the direction of the capital of the province. As it was approached some fighting occurred, in which the character of the British arms was well maintained.

A.D. 1825. At daybreak on the 29th of March, the army moved forward to attack the defences of Arracan. The enemy occupied a range of connected hills, from three hundred and fifty to four hundred and fifty feet in height, strong by nature, and rendered more strong by art—escarpment, abatis, and masonry having been resorted to wherever they could be advantageously employed. A single pass led to the capital, and that was defended by several pieces of artillery and about three thousand muskets. The entire number of the enemy ranged along the heights was estimated at from eight to nine thousand. The ground in front was an open plain of considerable extent, but in depth not altogether out of the range of the enemy's guns.

The advance of the British force having halted at a place where it was partially covered by a tank, the officer commanding, Brigadier-General Macbean, made a disposition for gaining the principal hills in the first range. Four pieces of artillery were ordered forward to cover the attack. The troops for the assault followed. They consisted of the light company of his Majesty's 54th regiment, four companies of the 2nd Light Infantry battalion, and the Light Infantry companies of the 10th and 16th regiments of Madras Native Infantry, with the rifle company of a provincial levy, under Major W. H. Kemm, of the

2nd Light Infantry; six companies of the 16th Madras Native Infantry, under Captain A. French, of that regiment, formed a support. The ascent was exceedingly steep, in some parts nearly perpendicular, and the enemy showered a well-directed fire on the assailants as they moved up. Under these circumstances of difficulty and danger, however, many succeeded in gaining the summit. Lieutenant J. Clark, aide-de-camp to General Macbean, with several of the gallant 54th, got their hands upon the trench; but even with this assistance, they were unable to maintain their ground. Large stones were rolled on them, smaller ones were discharged from bows, and the effect was, that those who had thus fearfully ascended were violently hurled down again. But the attempt was not lightly abandoned. In despite of the difficulties which opposed them, the assaulting party persevered until every officer was wounded; while the troops engaged of every description displayed the same gallant and unyielding spirit which animated those who led them. "The conduct of the officers," said General Morrison, in his official account of the attack, "was emulated by the men, and European and native troops vied with each other to equal the example set" them.

It was now determined to change the point of attack. The right of the defences appeared to be the key of the enemy's position, and though the obstacles were great, it was resolved to attempt it. The approach was protected by a small lake; the

CHAP. XXVI. ascent was more abrupt than at any other point, and the height greater. The natural advantages seemed to have inspired the enemy with a high degree of confidence in the security of this part of their position; for though the top was crowned by a stockade, and some other defences guarded the ascent, the number of men allotted to it was not considerable. To divert attention from this point a battery was constructed, and in the morning a vigorous cannonade opened upon the works at the pass. The meditated attack upon the enemy's right was intrusted to Brigadier-General Richards. It took place under cover of the night, and succeeded without the loss of a man. On the following morning preparations were made for pushing the success of the night, but the enemy abandoned the hills after a very feeble resistance, and no impediment remained to the occupation of the capital of Arracan. The naval force participated in these gallant deeds. A party of seamen accompanied the force under General Richards, which gained the hills. Indeed, the zeal which that force displayed throughout the operations of the Burmese war was exemplary. One instance of it, immediately connected with the attack upon Arracan, may be mentioned. Commodore Hayes, finding that his boats could not be brought to the scene of action, landed two twenty-four pounders, and, with the British seamen, dragged them and their appurtenances five miles to the encampment before Arracan, rendering

them available there for any service for which they might be required.* CHAP. XXVI.

The loss of the capital caused the enemy to withdraw from all their positions in Arracan. The primary object of the expedition was thus attained; but the ulterior design, of marching General Morrison's army across the mountains to join that of Sir Archibald Campbell, was found to be impracticable. This disappointment was not the worst misfortune which befel the army of Arracan. The enemy had been vanquished, but a very large portion of the victors were doomed to perish under the visitations of disease. The rainy season brought with it fever and dysentery, and their ravages carried away vast numbers which the sword had spared and fatigue had left unsubdued. The prevalence of disease was all but universal; and it was at last deemed expedient to withdraw the troops altogether, leaving divisions of them on the islands of Cheduba and Ramee, and on the opposite coast of Sandowy, at which places the climate appeared to

* General Morrison bore strong testimony to the ardour displayed by officers and men throughout this campaign. The following may be quoted as an instance of the devotedness to duty which prevailed:—"If ever instances of mental energy triumphing over bodily infirmity were exemplified, they have been displayed by Colonel Gardner, of the 2nd Local Horse, who, on each occasion when there was a probability of his cavalry being engaged, caused himself to be removed from his palanquin, to be placed on his horse, though so weakened by long sickness as to be unable for any long time to prolong the exertion." Of such examples the Indian service has produced many.

CHAP. XXVI. be more favourable to the enjoyment of health than in the rest of the country.

The army under Sir Archibald Campbell was left at Prome, waiting the abatement of the rains and inundations. On the return of the season for active operations, intelligence was obtained of the approach of a large Burmese force. Immediate hostilities, however, were averted by the arrival of an answer not unfavourable to an overture for negotiation which the British general had made to the Burmese government some time before. The deputation charged with the care of the letter proposed that two British officers should in return pay a visit to the Burmese commander-in-chief. Sir Archibald Campbell assented, and Lieutenant-Colonel F. S. Tidy, deputy adjutant-general, and Lieutenant William Smith, of the royal navy, were appointed to the mission. The result was, the conclusion of an armistice till the 18th of October. It was therein provided that the first minister of the king of Ava should meet the British commander-in-chief at a place mid-way between the positions of the two camps. The meeting accordingly took place. The first interview was one of ceremony At the second the negotiators entered on business. Sir Archibald Campbell declared the terms on which he was ready to conclude a treaty of peace and evacuate the country. He required that the court of Ava should abstain from interference with Cachar, Manipur, and Assam; should cede Assam to the British govern-

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ment, and pay two crores of rupees as an indemnification for the expenses of the war; one immediately, the other at a future period, the Tenasserim provinces being retained till its liquidation. The Burmese endeavoured to evade the questions in dispute, and modestly requested that the English would quit the country without making any stipulations for their own benefit, and leave their claims to the generosity of the ruler of Ava. After a discussion, alike tedious and frivolous, an extension of the armistice to the 2nd of November was requested by the Burmese deputies, under pretence of applying for their master's commands with regard to the proposed terms. This was granted, and thus ended a conference, the preparations and conduct of which had been arranged with the most scrupulous regard to the preservation of the formal dignity of the native diplomatists, and of the "king of the white elephants" whom they represented.* The ultimate

* Major Snodgrass says:—" On the day appointed, the commissioners, with their respective guards, were encamped on the plain of Neoun-ben-zeik, at the distance of nearly a mile asunder, and in the intermediate space, equidistant from both camps, a house had been prepared as a place of conference. The necessary arrangements and formalities of the meeting were then stipulated for by subordinate officers with the most scrupulous exactness, tenaciously adhering to the most trivial points of form, and carefully guarding against any thing that might be construed into an acknowledgment of the slightest inferiority. At length, all points being satisfactorily adjusted, both parties, leaving camp at the same moment, met in front of the conference house, where shaking of hands and every demonstration of amicable feeling having passed, the parties entered the house and sat down on

CHAP. XXVI. result was not more satisfactory. The court of Ava would concede neither money nor territory;

two rows of chairs fronting each other; the Woongees and their suite, in all fifteen chiefs, each bearing the chain of nobility and dressed in their splendid court dresses, evidently doing grievous penance in seats they had never been accustomed to, that no difference might appear, even in the most trifling particular, between the parties; and so observing and tenacious were they on this point, that scarcely a movement could be made without a corresponding one on their side; and their great aim seemed to be to shew the most perfect knowledge of our customs and manners."—Narrative, pp. 215 to 217. In corroboration of the last remark, Major Snodgrass subsequently says:—"Nothing was more striking during the conference than the anxiety of the chiefs to shew themselves well acquainted with the manners and customs of European nations, and of their own claim to rank in every respect as high as any of them in the scale of society, taking every opportunity of repeating the words, in allusion to their own country and England, 'the two great and civilized nations,' reprobating the putting to death of prisoners, and many other barbarous acts they are in the constant practice of. Upon the whole, however, they conducted themselves with much discretion and good humour, and we parted on the most friendly terms. They dined with Sir Archibald Campbell previous to their departure, comporting themselves at table with ease and propriety, narrowly observing every motion of their entertainers, and shewing amazing quickness in following their example. They freely partook of every thing on the table: a ham in particular seemed to be much relished, and at the Kee Woongee's request was made over to him as a present; but either from taste, or respect to the orders of the king which forbid the use of wine and spirituous liquors, they drank sparingly, once or twice only filling their glasses to the toasts that were proposed. It may be questioned whether or not their lordships would have been so abstemious in private, as the lower orders are so excessively fond of liquor of every description that they never hesitate when in their power to disobey an order the penalty of which is death."—Pages 222, 223. In illustration of what is said of the "good humour" of the Burmese chiefs, it must be mentioned that their

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and, at the expiration of the armistice, hostilities were resumed.*

The first movement of any importance was disastrous to the English. The Burmese having pushed forward a division to Watty-goon, a few miles from Prome, a body of native infantry, with the view of dislodging them, was dispatched to act on the left, while another body was to attack them in front. Both parties were unsuccessful; and Colonel

detection in a most outrageous falsehood did not in the least disturb it. Having referred as a precedent to a peace concluded with the Chinese under circumstances, as they asserted, nearly similar to those then existing between themselves and the British—the latter having conquered a large portion of the Burmese dominions, and being prepared to march upon their capital, they were reminded that history did not bear out their assertion, but, on the contrary, recorded that the Chinese army which invaded Ava had been routed and literally put to the sword; but the exposure, so far from disconcerting them, only gave occasion to the display of their mirth. "They laughed heartily," says Major Snodgrass, "at being detected by our knowledge of the fact." By the same writer they are accused of making, in the course of the discussion, many "frivolous and absurd excuses, in which a scrupulous regard to truth was little attended to, as was fully proved to them without in any way affronting or offending their feelings, truth being by them scarcely rated as a virtue."

* The determination of the court of Ava was communicated by the chiefs who had managed the negotiation in these terms:—"If you sincerely want peace, and our former friendship re-established, according to Burmese custom, empty your hands of what you have, and then if you ask it, we will be on friendly terms with you, and send our petition for the release of your English prisoners, and send them down to you. However, after the termination of the armistice between us, if you shew any inclination to renew your demands for money for your expenses, or any territory from us, you are to consider our friendship at an end. This is Burman custom."

CHAP. XXVI. M'Dowell, who led one of them, was shot through the head. A third body, which had been dispatched by way of Saagie, to afford support if required, fell in with part of the Burmese army, then in pursuit of Colonel M'Dowell's force, who immediately fled; but the British party, being unable to learn any thing of the troops which they had been sent to support, marched back to Prome without effecting any thing further. This disaster occurring immediately after the interruption of the negotiations, tended to support the confidence of the enemy and encourage them to persevere.

The Burmese army continued to advance towards the British lines, throwing up entrenchments and stockades as it proceeded: but its slowness to attack disappointed the British general, who consequently determined to become the assailant. On A. D. 1825. the 30th of November preparations were made for a general attack upon every part of the enemy's line, and on the 1st of December it took place, the operations by land being aided by the flotilla, now under the command of Sir James Brisbane. Two columns of attack were formed; one under Brigadier-General Cotton, the other accompanied by Sir Archibald Campbell. As soon as they were in motion, the naval force commenced a cannonade, and this so disconcerted the enemy, that the picquets of his left were withdrawn, and his position left exposed in that quarter to any sudden attack. General Cotton's column first reached the enemy's line, which consisted of a series of stockades, which he

at once assaulted, and in less than ten minutes carried. Panic and confusion then seized the masses within the works, and great slaughter followed. Sir Archibald Campbell's column pushing rapidly forward in the rear, met the flying masses endeavouring to cross the river, and opening the horse artillery upon them, did dreadful execution. Among those who fell within the works was the aged commander, Maha Nemiou, who, under the burden of seventy-five years, had been carried in a litter from point to point, to endeavour by his presence and encouragement to sustain the energy of his men.* CHAP. XXVI.

On the 2nd of December the British force was again in motion. The object of attack was the enemy's centre, which was strongly entrenched amid hills inac- A. D. 1825.

* Major Snodgrass relates that on this occasion the Burmese were aided by some extraordinary auxiliaries. "In addition," says he, "to a numerous list of chobwas and petty princes, these leaders were accompanied by three young and handsome women of high rank, who were believed, by their superstitious countrymen [the Shans] to be endowed not only with the gift of prophecy and foreknowledge, but to possess the miraculous power of turning aside the balls of the English, rendering them wholly innocent or harmless. These amazons, dressed in warlike costume, rode constantly among the troops, inspiring them with courage and ardent wishes for an early meeting with their foe." The supernature of these females was, however, inadequate even to their own protection. One of them was found mortally wounded by a bullet in the breast, and carried to a hut in the rear, where she soon expired. While another was crossing the Nawine river with part of her flying followers, a shrapnell exploded over her head and she fell from her horse into the water, but whether she was killed, or that her fall was the result of alarm, could not be ascertained, as she was immediately carried off by her followers.

CHAP. XXVI. cessible by land, except by one narrow pathway defended by seven pieces of artillery, while the river was commanded by several batteries of heavy ordnance. Sir James Brisbane moved forward with the flotilla and cannonaded the works from the river. On the land side, after the enemy's posts had been driven in and sufficient impression had been made on the works by artillery and rockets, a brigade, commanded by Lieutenant-Colonel Sale, consisting of the King's 13th and 38th regiments, under Major Howlett and Major Frith, advanced by the trench to storm the heights in front, while some companies of the 87th proceeded through the jungle to the right. Scarcely a shot was fired in return of the enemy's continued volleys. The 38th led the way in entering the entrenchments on the heights, and the assailants, driving the enemy from hill to hill, secured to the British the whole of the position, which was nearly three miles in extent. During the attack, the flotilla, pushing past the works, succeeded in capturing all the boats and stores which had been brought down for the use of the Burmese army.

The right corps of that army still maintained its position. On the 5th it was attacked in flank and rear, while the batteries and boats of the British force cannonaded in front, and after a feeble resistance the position was evacuated, the enemy retiring to a second line of stockades, from which they were quickly dislodged; when, disheartened, dispersed, and broken, they fled in all directions through the woods.

The British army now advanced, the enemy flying before them and abandoning, without an effort, defences which could not have been taken without severe loss. But the success of the victors was not unattended by circumstances of discouragement. Their march was sometimes arrested by heavy rains, rendering the country impassable; sickness, in the awful form of spasmodic cholera, made its appearance; and on one occasion the European troops were compelled to halt from the total failure of the supply of animal food.* The expected co-operation of the army of

* Some of the horrors of the march are depicted in the following extracts from Major Snodgrass's journal:—"December 19th. Marched to Meaday, where a scene of misery and death awaited us. Within and around the stockades, the ground was strewed with dead and dying, lying promiscuously together, the victims of wounds, disease, and want. Here and there a small white pagoda marked where a man of rank lay buried; while numerous new-made graves plainly denoted that what we saw was merely the small remnant of mortality which the hurried departure of the enemy had prevented them from burying. The beach and neighbouring jungles were filled with dogs and vultures, whose growling and screaming, added to the pestilential smell of the place, rendered our situation far from pleasant. Here and there a faithful dog might be seen stretched out and moaning over a new-made grave, or watching by the side of his still breathing master; but by far the greater number, deprived of the hand that fed them, went prowling with the vultures among the dead, or lay upon the sand glutted with their foul repast. As if this scene of death had not sufficed, fresh horrors were added to it by the sanguinary leaders of these unhappy men. Several gibbets were found erected about the stockades, each bearing the mouldering remains of three or four crucified victims, thus cruelly put to death—for, perhaps, no greater crime than that of wandering from their post in search of food, or, at the

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Arracan was not obtained, and though everywhere triumphant, the British general could not be free from anxiety. At the latter end of December the Burmese proposed to treat for peace, an event which it was to be presumed could not be disagreeable to either party. The proposal was entertained, but the army continued its march to Patanagoh, opposite the Burmese entrenchments of Melloon. Continued communications, having reference to the proposed peace, were here carried on, Sir Archibald Campbell being assisted by Mr. Robertson, who had been appointed civil commissioner in Pegu and Ava, and also by Sir James Brisbane. After much discussion a treaty was agreed to, upon the terms

very worst, for having followed the example of their chiefs in flying from the enemy. 20th. Marched two miles in advance of Meaday, in the vain hope of getting away from the field of death. For fifty miles up the river, and all along the road by which the enemy retired, similar horrors presented themselves; and on some of our grounds of encampment, it was difficult to find room for pitching the tents without previously removing some dead bodies from the spot............ 21st. The country through which we passed was wholly depopulated, and the villages either burned or laid in ruins; not a head of cattle, or, indeed, a living thing, except the sick and dying stragglers from the Burmese army, was met with in the march. We appeared to traverse a vast wilderness from which mankind had fled; and our little camp of two thousand men seemed but a speck in the desolate and dreary waste that surrounded it, calling forth at times an irksome feeling which could with difficulty be repressed, at the situation of a handful of men in the heart of an extensive empire, pushing boldly forward to the capital, still three hundred miles distant, in defiance of an enemy whose force still outnumbered ours in a tenfold ratio, and without a hope of further reinforcement from our distant ships and depôts."—Narrative, pp. 253—256.

formerly proposed by the British authorities, excepting that the provinces of Ye, Tavai, and Mergui were added to the territorial cessions, and the pecuniary payment reduced from two crores to one. The English copy of the treaty was signed on the 2nd of January, the Burmese copy on the 3rd; and an armistice was concluded till the 18th, to allow time for obtaining the ratification of the king. A. D. 1826.

The ratification was not received by the appointed time, and the Burmese commissioners then offered to pay an instalment of five lacs of rupees, and to give hostages for the safe return of the English prisoners from Ava, provided the British force would return to Prome, or at least agree to a further suspension of hostilities for a few days. The British commissioners peremptorily refused to retreat, and declined undertaking to abstain from hostilities, except on condition of the Burmese evacuating Melloon within thirty-six hours and retiring upon Ava; the march of the British army, however, not to be suspended until the receipt of the ratified treaty. This proposal was in return rejected by the Burmese, and hostilities re-commenced. Batteries were erected opposite the selected parts of attack in the stockade, the heavy ordnance was landed from the flotilla, and by ten o'clock on the morning of the 19th, twenty-eight pieces of artillery were ready to open upon the enemy's defences.

After two hours' cannonading, the troops intended for the assault, who had been previously embarked

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in boats under the superintendence of Captain Chads, began to move. A brigade, under Colonel Sale, was ordered to land below the stockade, and attack it by the south-west angle, while three other brigades were to land above the place to attack it by the northern face. The boats pushed off together, but the current, aided by a strong wind, carried the brigade under Colonel Sale to its destined point of attack before the remaining brigades could reach the shore. The troops landed, and immediately formed under Major Frith, Colonel Sale having been wounded in the boats. This being effected, without waiting for the landing of the other brigades, they rushed on to the assault, entered by escalade, and established themselves in the works, in the face of upwards of ten thousand men. The other brigades took the flying enemy, and completed the victory. A quantity of ordnance and military stores was taken, a magazine of grain, and specie to a large amount.*

The army on its advance was met by Mr. Price, an American missionary, and Mr. Sanford, an English surgeon, who had been made prisoner,

* The treaty signed by the British and Burmese commanders was also found in the lines of Melloon. This Sir Archibald Campbell dispatched by a messenger to the Kee Woongee, accompanying it by a note, stating that in the hurry of departure from Melloon it appeared to have been forgotten. The Woongee and his colleague politely returned thanks; but observed, that the same hurry which had caused the loss of the treaty, had compelled them to leave behind a large sum of money, which they were sure the British general only waited an opportunity of returning.

who were commissioned from Ava to ascertain the terms of peace. They were informed that the terms tendered before the capture of Melloon were quite open for acceptance, and that with respect to the pecuniary indemnification, the army would retire to Rangoon on the payment of twenty-five lacs of rupees, and would evacuate the Burmese territory upon the discharge of a second instalment of the same amount. With this answer the delegates returned.

A.D. 1826.

Upon the 8th of February it was ascertained that the enemy were about five miles in advance on the road to the city of Pagahm, and on the 9th the British columns moved forward to attack. The Burmese army was commanded by a person named Ta-ya-soo-zang, who had represented to the king of Ava that the previous successes of the English were owing solely to the incompetence of the generals by whom they had been opposed; and that, if an adequate force were placed at his command, he would speedily drive the invaders out of the country. The wishes of the sovereign ensuring belief to these representations, the army was reinforced by a new levy of several thousands, and the adviser of the measure invested by the royal grace with the title of Nawung Thuring (Prince of Sunset), was sent to supersede the general previously in command of the army. The chief thus honoured was, on the 9th of February, at the head of about eighteen thousand men; the British force opposed to him on that day fell short of two thousand. The newly-

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created prince had drawn up his army in the form of a crescent, both its flanks being considerably advanced, and the main road running directly through its centre. This arrangement appears to have been adopted with reference to the nature of the country, which being greatly overgrown with prickly jungle, it was difficult for large bodies of troops to diverge from a direct course, either to the right or to the left. The Burmese general, therefore, anticipated that the British would advance by the main road, till opposed in front, when the wings of the Burmese army might have closed, thus taking them in both flanks and in the rear, and for the accomplishment of this he naturally relied on his vast superiority in point of numbers. But if he thus calculated he was deceived. Instead of marching on the centre of the enemy, the British commander assailed his flanks. The right attack, which was directed by Sir Archibald Campbell in person, was made by the King's 13th regiment, accompanied by four guns of the Bengal horse artillery and a small detachment of the governor-general's body-guard, and supported by the King's 89th. General Cotton superintended the attack on the left, which was made by the King's 38th, supported by the 41st, and accompanied by two guns of the Madras artillery. Colonel Parlby, with the 43rd Madras Native Infantry, advanced on the bank of the Irawaddy, on the extreme left of the British, to prevent the enemy throwing troops upon its rear.

The enemy received the charge with tolerable

firmness, but were soon obliged to give way. Part of the troops broken by the 38th retired into a well-constructed field-work, but were so closely pursued that they had not time to form for its defence, and several hundreds perished at this spot, either pierced by the bayonet, or drowned in vain attempts to cross the river. When the Burmese general found both his flanks attacked, while the centre was apparently not threatened, he pushed forward a column on the main road, in the direction of an eminence crowned by a pagoda lying to the rear of the British; but the sight of the King's 89th in reserve checked their progress and they returned.* It were needless to enter further into the details of the engagement of the 9th of February. From the moment when the enemy's line was broken the fortune of the day was decided, and it is enough to record that, notwithstanding the great disparity of numbers, the result of the conflict was a decisive victory to the weaker party, the enemy abandoning Pagahm to the British, with all the stores, ordnance, arms, and ammunition which it contained. The Burmese on this occasion departed from their usual course of fighting within barriers, and ventured to dispute for victory in the open field. They met a signal and disastrous defeat, and the Prince of

* It is not easy to reconcile the official report of this engagement by Sir Archibald Campbell with that given by his military secretary, Major Snodgrass, the latter representing the whole force of the British attack as having been directed against the enemy's centre. In the text the official account has been followed.

CHAP.XXVI. Sunset, who had promised to drive the English out of his master's dominions, was fain to seek safety for himself in the dark and mazy covert of the jungle.*

The contest was now drawing to a close; but previously to recording its actual conclusion, it will be necessary to direct attention for a moment to some proceedings in Pegu.

A force had been stationed there under Colonel Pepper, to protect the province from the irruptions of Burman detachments. To check a series of incursions which took place under the command of the former governor of Marteban, Colonel Pepper, late in the year 1825, marched to Shoe-gein on the left bank of the Sitang, which he occupied without resistance. From there he dispatched Lieutenant-

* At one period of the contest the British commander-in-chief was placed in imminent personal danger. In consequence of a party of troops who preceded them having advanced to skirmish, the general and his staff were left upon a plain with a mere handful of men and two or three guns. About sixteen men, who were foremost, were suddenly charged by a mass of Munypore horse. The bugle sounded to close, but the men were too few to make head against the cavalry, and they retired upon the guns. In this, however, they would scarcely have succeeded, if the subahdar major of the body-guard, with the jemadar and seven troopers, the personal escort of the commander-in-chief, had not interposed to cover their retreat. Dashing past the retreating men to the right and left, the troopers deployed in their rear, and with extraordinary coolness kept the Munypore force in check, falling back gradually till within range of the guns. They then filed off to make way for the guns to open, which they did with grape and shrapnell most effectively. This anecdote, so honourable to those who form the subject of it, is preserved in a private communication to the Calcutta Gazette.

Colonel Conry, with a body of light infantry, to reduce a Burman post bearing the name of the river, and situate between Tongo and Marteban. The attempt failed, and the commanding officer was killed. Colonel Pepper then proceeded against the place with a stronger force, which he divided into three columns of attack. They advanced simultaneously, and succeeded in carrying the works, which were subsequently destroyed. This conflict was attended by severe loss on both sides. Among the killed on the side of the English were two of the officers commanding columns, Captain Cursham and Captain Stedman, while the third, Major Home, was severely wounded; Colonel Pepper also was among the sufferers from wounds. The enemy, however, continued troublesome, and shortly after the capture of the stockade of Sitang made a vigorous attack upon a British post at Mikow, which maintained the communication between Pegu and Shoe-gein; but the attempt was most gallantly repulsed by the young officer in command, Ensign Clarke, of the 3rd Madras Native Infantry, with a small detachment of that regiment. CHAP. XXVI.

Sir Archibald Campbell was in full march towards the capital of the Burmese empire, when he was met by Mr. Price and Mr. Sanford, announcing the accession of the Burman sovereign to the proposed terms; but as no formal ratification of the treaty was received, the advance of the British army was not interrupted. Mr. Price returned to Ava to procure the necessary ratification, and again

CHAP. XXVI. met the army (being then accompanied by the Burmese commissioners) at Yandabo, within four days' march of the capital. The war was now at an end, for the Burmese agents brought not only the ratified treaty, but the sum of twenty-five thousand rupees as the first instalment of the amount thereby stipulated to be paid.*

The main provisions of the treaty have been already mentioned. It consisted of eleven articles, which number was increased by the addition of a supplementary one. They provided that there should be perpetual peace and friendship between the two states, and for the abrogation of all claims, on the part of the King of Ava, to Assam, Cachar, and Jynteea. With regard to Manipur, it was stipulated that should Gumber Singh desire to return to the country, he should be recognized by the King of Ava as rajah thereof. The title of Gumber Singh was certainly not of the clearest, and he was indebted for the support of the British government, not to the justice of his pretensions, but to the assistance which he had been able to render his patrons. The limits of the territories of the "two great nations," as, in imitation of the language of the Burmese diplomatists, they were termed, were

* Major Snodgrass states, that on the previous visit of Messrs. Price and Sanford to the British camp, it was explained "that every thing demanded was in readiness to be delivered, but that the king demurred about letting the cash out of his hands, from an idea that, after its payment, we should still keep his country, as under similar circumstances he would himself most assuredly have done!"

thus fixed:—the British government were to retain the conquered provinces of Arracan, comprehending the four divisions of Arracan proper, Ramree, Cheduba, and Sandowy; and the Unnoupectowmien, or Arracan mountains, described in the treaty as known in Arracan by the name of the Yeoumatoung or Pokhingloung range, were to form the boundary on that side. Any doubts regarding the line were to be settled by commissioners, who, it was expressly provided, should be "suitable and corresponding in rank." The Burmese government also agreed to cede the conquered provinces of Yeh, Tavoy, Mergui, and Tennasserim, with the islands and dependencies appertaining thereto, marking the Saloun river as the line of demarcation on that frontier. A crore of rupees were to be paid by the Burmese to the British government, one quarter immediately, whereupon the British army was to retire to Rangoon; another quarter in a hundred days, upon which second payment being made, the British army was to quit the dominions of the King of Ava; a third quarter at the end of one year from the conclusion of the treaty, and the remainder at the expiration of two years from the same period. This contribution was stated to be made, not merely as a partial indemnification to the British government for the expenses of the war, but also "in proof of the sincere disposition of the Burmese government to maintain the relations of peace and amity between the two nations." No person, whether native or foreigner, was to be mo-

CHAP. XXVI. lested by either party on account of the part which he "had taken, or had been compelled to take," in the war. An accredited minister from each state was to reside at the court of the other, with an escort of fifty men; and a commercial treaty, upon principles of reciprocal advantage, was to be framed. All public and private debts contracted previously to the war, by either government or its subjects with the other government or its subjects, were recognized and liquidated; the property of British subjects dying in the Burmese territories was, in the absence of legal heir, to be placed in the hands of the British resident or consul, to be disposed of according to the tenour of the British law; and the property of Burmese subjects dying within the British dominions was to be made over to the minister or other authority delegated by the Burmese monarch to the British government. British ships in Burmese ports were to be relieved from all exactions, and from all acts of submission not imposed upon Burmese ships in British ports. The King of Siam, designated as "the good and faithful ally of the British government," was to participate in the advantages secured to that government; and in conclusion, provisions were made for the ratification of the treaty, and for the exchange of prisoners.

The Burmese war was thus brought to a conclusion. Much censure has been passed upon its commencement, and upon the manner in which it was carried on. With regard to the first point,

it is obvious that, as in the war with Nepaul, the British government had no choice but in regard to time. War, sooner or later, was rendered inevitable by the arrogant and aggressive character of the Burmese government: indeed there was little prospect of postponing, for any period, the commencement of positive hostilities, without incurring great dangers and submitting to great sacrifices. This is pointed out by the government of the day, in a defence of their measures, addressed to the Court of Directors towards the latter period of the war.* "It is well worth while," said they, "to consider a little in detail the immediate and direct sacrifices which we must have made to purchase a temporary and precarious peace after the conduct pursued by the Burmese in 1823—24. In the first place, we must have relinquished our claims to the forest land at the back of Ramoo and Gurgunnea, which the Company's elephant-hunters had frequented for years as a part of the British territory, otherwise the opposition made by the Burmese, and the repeated seizure and imprisonment of the servants belonging to one of our public establishments, must necessarily have induced frequent angry and irritating remonstrances on our part quite incompatible with the permanent maintenance of friendly relations. Secondly, we must have tamely abandoned our right to an island † which, however inconsiderable in size, and actually unproductive, had nevertheless been often the subject of notice on the public proceedings,

* Letter, 23rd December, 1825.

† Shapooree.

CHAP. XXVI. and stood recorded as a portion of the British territory. Thirdly, we must have patiently endured the insult and wrong offered to us, in the attack and slaughter of a party of the Company's troops stationed on Shapooree, no less to preserve that which we considered, and had declared to be, our undoubted right, than to protect our peaceable subjects in the vicinity from murder and plunder. Fourthly, we must have witnessed in passive silence the passage of the Burmese across the natural mountain barrier which so distinctly separates the two empires, and their intrusion into the plains of Bengal, their subjugation of Cachar, a country in its population, language, institutions, and geographical position, essentially a part of Bengal, and the legitimate rajah of which then actually resided under our protection; and also the establishment of their authority in Jynteea, another petty chiefship, which had long been intimately connected with, and was essentially a dependent of, the British government. Finally, we must have tolerated, without the slightest resistance, their occupation of a position which placed the richest part of the district of Sylhet and the Sudder station itself completely at their mercy, in the then state of our military force; which gave them the command of the Soorma, as well as the Bramahpooter rivers, and which, whatever number of troops we might have collected for our defence, would have infallibly led to heavy loss of revenue, the serious interruption of cultivation, and the permanent flight of many of our ryots from their homes,

through the dread universally inspired by the proximity of that sanguinary, barbarous, and unpitying race. Is it to be believed, when the peculiar character of the government and people of Ava, and the nature of their pretensions on our eastern districts, are duly weighed, that in such a state of irritating, and to our subjects alarming, contact or rather collision, we could have much longer delayed to draw the sword in self-defence, whatever extent of petty outrage and encroachment we might have resolved to tolerate in the vain hope of avoiding the necessity of war? And if, by the intrusion of this arrogant and untractable race beyond the limits which nature had placed between us, we were forced into a relative position which rendered any long maintenance of peaceful relations not only precarious, but in truth impracticable, was there any thing at the time in the political aspect of affairs in India, or the condition of our power and resources, which could have required or justified our overlooking a succession of positive, though perhaps, separately considered, trifling acts of insult and aggression, in the idle speculation that, by recourse to temporary expedients we might avert the evil that inevitably threatened us sooner or later? We confidently answer in the negative. And when we reflect on the state of affairs brought about as above by the acts and conduct of the enemy, and not by any seeking of ours, we deliberately and conscientiously affirm, notwithstanding all the embarrassment and suffering which have been produced by the

CHAP. XXVI. war, and to which none can be more painfully alive than ourselves, that we should have unworthily sacrificed the high interests committed to our charge, if we had longer deferred the declaration and vigorous prosecution of hostilities against the state of Ava."

Such is the defence advanced for not longer deferring the commencement of war with the Burmese. Of the mode in which it was conducted the Indian government offered the following justification:—"The accounts which we had received previous to the month of March, 1824, had distinctly apprized us that a powerful Burmese army was collecting in Arracan, and we judged moveover, from the obstinate character of the people, that there was little chance of their relinquishing their designs on the Cachar side, although in the first instance repulsed. At the same time we knew too well how utterly vain and futile would be any plan for protecting Chittagong, Tipperah, and Sylhet, during the approaching hot weather and rains, by any amount of force which we could have ventured to station in their noxious and pestilential swamps and jungles. We felt convinced, therefore, that our only prospect of drawing off the Burmese from the project of invasion which we believed them to meditate at that particular season, as the fittest for their purpose, and compelling them to direct their attention to the defence of their own territory, was the equipment of a powerful expedition, to seize and hold temporarily their principal seaport, the second town of their empire, whence at the same time we might

hope to teach an impressive and salutary lesson of our power and resources. Our success in the first of the above objects, if not complete, was at least very considerable, so much so, that we conscientiously believe the Rangoon expedition to have saved the Chittagong district from premeditated devastation and ruin, if indeed it did not ward off still more extensive and alarming mischiefs. We are firmly and deeply persuaded that the invasion of Chittagong was no consequence of our proclamation of war, the official promulgation of which, in all probability, was utterly unknown to the Burmese. A large force had been for months concentrating in Arracan, by the different routes leading from Ava, under the Maha Bundoola, fully bent on invading the British territories, with the views and motives already explained in preceding paragraphs. Scarcely had the Bundoola crossed the Naef, when the first reports reached himself of the appearance of a British armament in Irawaddy, and at the moment when the small and inadequate force injudiciously left without support at Ramoo was overpowered and destroyed, the fall of Rangoon became fully known in the Burman camp. The above news was rapidly followed by the accounts of our conquest of Cheduba and Negrais. It was this intelligence that paralyzed the movements of the Bundoola's really formidable army, which induced him to remain at Ramoo until he should learn the pleasure of his master, the King of Ava (into whose imagination and calculations it had never previously entered for

CHAP. XXVI. a moment, that we should dare to attack a principal town of his dominions), and which finally caused his precipitate retreat to Ava, when the repeated successes of the British arms in the vicinity of Rangoon began to give to the Burmese a juster notion of the character of their foe."

The government then proceeded to argue that the despatch of an armament against Rangoon and the coasts of Arracan and Tennasserim was the only measure calculated to make an early and decided impression on the enemy, and to inspire him with a sense of the power and resources of the state with which he was at war; that to divert the attention of the enemy from an invasion of the British territory required the early despatch of the expedition directed against the Burmese country; that there was no reason for concluding Rangoon was peculiarly unhealthy during the rains, and that the same sickness which attacked the troops at that place appeared in Calcutta and in Upper India; that the desertion of the country by the inhabitants, and the inconveniences and sufferings consequent on this proceeding, could not have been anticipated; that it was necessary, with reference to the means of transport, to fit out the expedition during the continuance of the south-west monsoon, and that any great delay in dispatching the armament would have given the enemy time to prepare for defence and for obstructing the passage of the river, thereby defeating the important object of making an early move upon the capital, and at the same time subjecting the British troops to hard-

ships not less in number or in kind than those which they actually endured.

These reasons are not without force; but after allowing to them due weight, it must be admitted that the expedition was dispatched in almost entire ignorance of the circumstances of the country to which it was to proceed, and without any adequate preparation for securing supplies. However important it might be to strike a blow at the enemy in the heart of his own dominions, it cannot be denied that the success of the attempt was placed in great doubt by the want of better information and more complete arrangements. By attention to these points, much of the misery which overtook and subdued so many gallant spirits might have been averted. As the quarrel with the Burmese was not a sudden and unexpected occurrence, it seems remarkable that so little had been done towards acquiring some knowledge of a country with which it became every year more and more evident that the British government would, at some period, be engaged in war. Public missions had indeed been dispatched, but these, even when favourably received, do not furnish the best means of obtaining such information as it is desirable in case of war to possess; and although jealousy of foreigners enters largely into the Burmese character, much might have been effected by the judicious employment of private agents. In cases where the necessity for definite information can be foreseen, it is obvious that its collection should not be postponed to the moment

CHAP. XXVI. when it must be acted upon. It is satisfactory indeed that, in this instance, the imprudence displayed was not productive of irreparable disaster or permanent injury. The spirit of the military and naval forces surmounted the difficulties of their situation, and the honour of the British arms was abundantly sustained.* Not less conspicuous than the valour and

* The surprise given to the Burmese government and people by the successes of the British army has been frequently illustrated in the course of the narrative. A very lively picture of its effects is exhibited by Mr. Judson, an American missionary, resident, in the exercise of his calling, within the Burmese dominions. It occurs in a statement made by him to Mr. Crauford, British commissioner in Ava and Pegu. "I have frequently," said Mr. Judson, "heard the Prince of Sarawaddi [brother to the Burmese sovereign] expatiate for half an hour together on this subject [war with the English]. His language used to be to the following purport. I render the expressions from the Burman as accurately as I recollect them. 'The English are the inhabitants of a small and remote island. What business have they to come in ships from so great a distance to dethrone kings and take possession of countries they have no right to? They contrive to conquer and govern the black strangers with caste (Hindoos), who have puny frames and no courage. They have never yet fought with so strong and brave a people as the Burmans, skilled in the use of the sword and spear. If they once fight with us, and we have an opportunity of manifesting our bravery, it will be an example to the black nations who are now slaves to the English, and encourage them to throw off their yoke.'" This is a frequent suggestion on the part of the Prince, and the warning which it conveys ought never to be absent from the minds of those who govern India. Mr. Judson continued: "About a month before my imprisonment," which took place on the approach of the English, "the King's sister, already mentioned, said to me in conversation, that it was obvious that the English were afraid to fight; that their conduct on the frontier was mean and cowardly; that they were always disposed to treat and

military skill of the invaders, was the moderation with which they used their success. No opportu-

not to fight;"—a striking evidence of fear or weakness in native eyes—"and that upon some occasions when the Burman and British troops met, the British officers held up their hands to entreat the Burmans not to advance. She insisted that the whole conduct of the British for some time past indicated unequivocal symptoms of fear. She added, 'we shall now fight certainly, and will no longer be dissuaded. The new governor-general acts foolishly; he is afraid of us, and attempts to coax us, yet continues the usual course of aggression and encroachment.'" Mr. Judson says, with reference to these opinions, "I have heard the dependents of the chief ministers and other subordinate officers of government on innumerable occasions express similar sentiments on a war with the British to those which I have ascribed to the Prince of Sarawaddi and the Princess." In the presence of the latter, Mr. Judson says, "I was once consulted by her officers on the practicability of conquering Bengal. My reply was, that it was as difficult for the Burmans to conquer Bengal as for the English to conquer Ava, which expression was viewed by the Burmans as affording as strong an affirmation of the impracticability of the scheme as words could convey. Their answer was, 'You do not believe just now; in a little while you will be convinced.' This conversation, to the best of my recollection, took place in March or April, 1824, after the march of Bundoola's army, which was the subject of discourse when my opinion was asked."

Such were the hopes and expectations of the Burmese previously to their experience of British prowess. Of the European troops they had a mean opinion, regarding them as "luxurious and effeminate, incapable of standing the fatigues of war, and therefore unable to contend with a people hardy like themselves." It is now proper to bring their later opinions into contrast with their earlier as exhibited in the passages already quoted. In answer to the question, "what is their present opinion of European troops?" Mr. Judson said, "they consider them nearly invincible, fierce, and blood-thirsty, and discovering almost supernatural powers. I have heard them compare them in action to a particular class of demons, called Balu, that, ac-

CHAP. XXVI. nity for negotiation was neglected or put aside—opportunity was even sought, and while the con-

cording to Burman notions, feed on human flesh. They have compared the rapidity of their movements to a whirlwind. The skill of Europeans in the use of artillery, and especially in that of rockets and shells, astonishes them, and is incomprehensible to them. I should add, that the forbearance and moderation of the European troops after victory, and their obedience to command and regularity of discipline, is a subject of admiration with them." The next question put to Mr. Judson related to the period when the revolution of opinion took place. He answered: "The first circumstance of the war which made a deep impression on the Burman court was the sudden and complete destruction, to use the language of the Burmans themselves, of the Thongba Woonghee and his party, of about one thousand men, in a stockade near Rangoon. I heard from a Burmese who was present in the action, and who, for some political offence, on his return to Ava, became my fellow-prisoner, that this was effected by about three hundred Europeans. The court, being displeased with the procrastination of Kee Woonghee, had sent Thongba Woonghee, a brave but hot-headed man, to supersede him. This person was determined to fight. He sent, I think, an Armenian as a spy to Rangoon, who brought back news that the English were preparing to attack his stockade. The messenger was put to death for bringing accounts tending to discourage the troops, but the execution was hardly over when the British troops presented themselves before the stockade. My informant and other persons afterwards gave a most appalling account of the attack of the Balus, as they called them. The gate of the stockade was choked up by the runaways, and almost every man in it put to death by the bayonet. Thongba Woonghee was killed in the flight by one of his own people. This mode of attack was totally contrary to all that the Burmans knew of war, and struck them with consternation. They stated that, when one of the assailants was killed another immediately took his place, and that they were not to be discouraged from advancing even by wounds, so that it was in vain to contend with such an enemy. Their imaginations were so wrought upon, that to these particulars they added many fabulous ones—such as that the Europeans continued to advance

querors were pursuing an almost uninterrupted career of victory, the vanquished were, on every CHAP. XXVI.

after their hands had been chopped off in scrambling over the stockades—that the arms and legs of the wounded were carefully picked up and replaced by the English surgeons, who were represented to be as skilful as the warriors were bold."

Such were the effects of the success of the British arms. Had the invaders been compelled to yield to the difficulties by which they were surrounded, the arrogance and vaunting presumption of the Burmese would have been inflamed to a pitch of frenzy. Mr. Judson is not the only witness to the feelings of the Burmese in this respect. Mr. John Laird, a native of Scotland, who resided several years in the Burmese dominions for commercial purposes, made the following statement to Mr. Crauford:—"When I was in Ava, for the second time, in 1823, I was present at an evening levee of the King. The late Bundoola and several of his officers, who had just arrived from the conquest of Assam, were there. They had on their heads gold-wrought handkerchiefs, part of the plunder of Assam. The King took them off their heads and admired them. One of the attawans said to the King, 'Your Majesty's dominions now extend to the northern sea; there never was so great a King as your Majesty.' The King smiled, and asked if in his new acquisitions there was any port of trade for large ships. It was answered, that there was not, but that there was a considerable inland trade with Bengal by boats. The King then ordered that a proper person should be appointed shah bandar, for the collection of his revenues in Assam. Bundoola now presented the King with two English dogs which had been taken, and proceeded to mention what number of prisoners he had brought, as well as the hostages and presents from the native prince whom he had left in authority. Bundoola said, 'I pursued the fugitives across the Brahmapooter into the British territory; but as the English are on terms of friendship with your Majesty, and you derive a large revenue from their trade to Rangoon, I retired. But if your Majesty desires to have Bengal, I will conquer it for you, and will only require for this purpose the *kulas*, or strangers, and not a single Burman.'" So confident was the Bundoola of being able

CHAP. XXVI. convenient occasion, invited to accept terms of accommodation, and thereby free their country from the presence of a hostile force. Almost within sight of the seat of the Burmese government, the British general consented to the same terms which had been proposed and professedly accepted long before—thus voluntarily relinquishing for himself and his men the proud triumph which awaited them of occupying the capital of the foe, and dictating from thence the conditions of peace. The notorious faithlessness of the enemy would well have justified the infliction of this penalty of extreme humiliation. There was no claim for abatement or mitigation in the slightest degree. Without the power of resisting, the enemy was equally without a title for demanding the smallest exercise of forbearance.*

to perform what he suggested, that, according to a statement of Major Snodgrass, he marched into Arracan provided with golden fetters, in which the governor-general of India was to be led captive to Ava.

* On the policy of abstaining from the occupation of Ava, Major Snodgrass offers the following opinion:—"The conquest of the capital of Alompra, it was urged by some who took a more general view of the case [the writer had been speaking of the disappointment of the soldiery], would have had a good effect upon the whole eastern world; and its reduction would no doubt have been desirable, could all the advantages of the peace concluded at Yandaboo have been guaranteed on our arrival there; but those best acquainted with the strange people we had to deal with are well aware that every sacrifice they were disposed to make was to ensure the preservation of the city; that once subdued, the court would have fled for a season to some distant part of their extensive empire, and have left the Indian government the mere honour of having conquered a country which they could not retain, and from which necessity would soon compel them to retire without

In estimating the value of the advantages secured to the British empire in India, the security result- CHAP. XXVI.

gain or profit, and with the ruinous burden of the expenses of the war wholly upon their own shoulders, instead of the many advantages that must attend the acceptance of their terms. Nor could it even be urged that celerity of movement might have enabled us to reach the capital before the court had left it. The very idea of attempting to cope in that point with men who can change their places of abode with the facility of Bedouin Arabs was preposterous. That Ava would have fallen, no man will doubt. Taken most assuredly it would have been had the attempt been made, and perhaps a handsome booty might have enriched the captors; but this could only have been attempted at a great political risk, and the probable sacrifice of every object for which the government of India had been so long contending, for we should undoubtedly have found neither king nor ministers to treat with, and with all the honour and glory of subduing the capital, we should most probably have occupied merely the deserted space within its walls." Narrative, pp. 284, 285. Few persons will agree in the gloomy anticipations entertained by the author of this passage as to the consequences of striking one additional blow heavier and more dispiriting than any which the enemy had previously received. The space within the walls of Ava might have been deserted, but, as at Rangoon, the industrious part of the population would soon have begun to return. Neither king nor ministers might have been there, but ere long the fallen foe would have manifested a natural anxiety once more to regain possession of his capital, and of so much of his country as the moderation of his conqueror would spare him. It is idle, however, to waste discussion on the subject. It is enough that, in sparing Ava, the British authorities vindicated the humanity and generosity of their nation. They were in a position that enabled them to exercise those qualities gracefully, and in perfect accordance with the claims of duty, and they did exercise them. Their conduct needs not the support of an untenable defence grounded on cold grounds of policy.

Great alarm had been felt at Ava long before Sir Archibald Campbell's approach. Mr. Judson represents "the defeat of the

CHAP. XXVI. feeling of satisfaction which its general success might have been expected to excite. The still lin-

Arracan and the Tennasserim coasts, which are likely to invite enterprise and reward industry. Before, however, the capabilities of these regions can be turned to full account, the people by whom they are tenanted must be raised both in number and character, so as to become productive labourers in their own country, and liberal consumers of the produce of others. That this must be the result of the present order of things cannot be doubted, although any attempt to precipitate so desirable a consummation would only lead to disappointment. The acquisition of the southern provinces as well as the war itself have brought British commerce more immediately in contact with the Burman kingdom, and are likely to enhance those advantages which have hitherto been reaped from it. It will indeed be no unimportant benefit to the merchant to be relieved from the vexatious arrogance which he heretofore experienced from the officers of the Burman ports, and which it is not likely they will feel disposed or be permitted to re-assume. The same will be the case at Siam, the trade with which state under the treaty formed with its government, and the sentiments of fear and respect which the late events and the proximity of the British power must inspire, will be conducted hereafter on principles more consistent with the practice of polished nations. To commerce, the provinces of Cachar and Assam hold out less promising prospects, but they are politically of value, as forming a well-defined and naturally strong frontier; and in the approximation they afford to Thibet and China, it is not impossible that trade may be extended in those directions. Even from the intercourse with the barbarous mountain tribes on the frontiers some advantages may be obtained, which will gradually augment as the people are brought within the nearer reach of refinement."

The progress of improvement, as was anticipated, has been slow. The inhabitants in most parts of the ceded territory are not only rude and unintelligent, but singularly inactive and untractable. One probable source of advantage which was not looked for has sprung up in the accidental discovery of the tea-plant growing wild in Assam. The successful cultivation of an article

gering impression of fear for the consequences of territorial extension, the inadequate preparation with which this war was commenced, the great expense by which it was attended, and the barren and seemingly unprofitable character of the country acquired, probably combined to produce this result. The course taken by the governor-general, however, was sufficiently approved by the King's government to warrant his elevation to an earldom.

It has incidentally been mentioned that, pending the Burmese war, a treaty was concluded between the British government and the King of Siam, who, in the treaty with Ava, is recognized as "the good and faithful ally" of the former state, and as having taken part in the war. The part taken, however, seems to have been confined to

so universally consumed in Great Britain is too obviously desirable to allow of such a discovery being permitted to pass unregarded. Whether the growth of Assam can compete with that of China, in what quantities and at what expense tea in the former country can be produced—these are questions which the revelations of time only can answer. The prospect is encouraging, and the greatest obstacle to success seems to arise from the character of the labouring people—an obstacle that will probably be overcome by perseverance, aided by the peculiar knowledge of the modes of Chinese culture and preparation afforded by workmen obtained from that country.

In quitting the subject of the Burmese war, it is proper to mention that, in addition to official documents (which have been consulted in every instance excepting where the contrary is stated, and to which for this reason particular reference is usually omitted), the clear and accurate narrative of Mr. H. H. Wilson, that of Major Snodgrass, and every publication of character on the subject, have been examined.

CHAP. XXVI. making plundering excursions into such of the Burmese territories as lay conveniently for visitation, with little regard to the question whether such territories were occupied by the English or not, carrying off from them slaves and booty, and writing complimentary letters to the British authorities. As, however, the services of this "good and faithful ally" of the British government were deemed worthy of honourable mention, it may be expected that some notice should be taken of the instrument by which his Majesty of Siam became entitled to be referred to in the terms which have been quoted. The treaty was negotiated on the part of the English by Major Burney, and concluded on the 20th of July, 1826. After an overture, in the usual lofty strain, premising that "the powerful lord, who is in possession of every good and every dignity, the god Boodh, who dwells over every head in the city of the sacred and great kingdom of Si-a-yoo-then-sye, incomprehensible to the head and brain," and an inferior potentate described as "the sacred beauty of the royal palace, serene and infallible there," had bestowed their commands upon ministers of high rank, belonging to the "great and sacred kingdom," to frame a treaty, it is declared that the English and Siamese "engage in friendship, love, and affection, with mutual truth, sincerity, and candour." After a diffuse commentary upon this text, a second article provides for the arrangement, by negotiation, of any disputes that might arise between the two countries; other articles relate

to the settlement of boundaries, and the respect to be paid to them. The protection of merchants in their occupation is the subject of multifarious provisions, which it would be tedious to detail. One of them may be quoted as an illustration of the jealousy of the Siamese. It is provided that merchants subject to the English, desiring to come and trade in any Siamese country, with which it has not been the custom to have trade and intercourse, must first go and inquire of the governor of the country. "Should any country have no merchandize, the governor shall inform the ship that has come to trade that there is none. Should any country have merchandize sufficient for a ship, the governor shall allow her to come and trade." Under such a provision the government of Siam might obviously refuse to open to British commerce any part of their country not previously accessible. Among the commercial regulations was one strictly forbidding the introduction of opium into Siam or its dependencies, and subjecting it, should the attempt be made, to confiscation. From another article it might be inferred that written correspondence had not previously been regarded as inviolate from the inspection of those for whose eye it was not intended. "If an Englishman desire to transmit a letter to any person in a Siamese or other country, such person only, and no other, shall open and look into the letter. If a Siamese desire to transmit a letter to any person in an English or other country, such person only, and no other, shall

CHAP. XXVI. open and look into the letter." Other articles related to trade with Queda (possession of which was to be secured to the Siamese), and to the protection of the Rajah of Perak in his government. The terms upon which the commercial intercourse of British subjects was to be regulated were fixed with greater precision by a supplementary paper, which, as well as the treaty, was concluded on the part of the British government by Major Burney.

To avoid breaking the current of the narrative, the notice of two events of some interest, occurring during the progress of the Burmese war, has been deferred till the history of its operations was complete. To these events it is now necessary to advert.

The earliest of them is of a painful and discreditable character. About the middle of the year 1824, the 47th Native Infantry had been marched to Barrackpore, from which, at a later period of the year, they were to proceed to take part in some of the operations of the Burmese war. To put an army in motion in India is a far more difficult process than in other parts of the world, where the climate is less enervating and the habits of the people less peculiar. From the first-named cause, European troops require aids which are neither bestowed nor expected elsewhere; from the second, similar assistance is to a certain extent required by a large portion of the native troops. No military force can move in India without a large number of beasts of

burden. These are requisite, not only for carrying provisions and stores, but also for transporting a considerable portion of the personal baggage of the men. The European does not carry even his knapsack. The sepoy is not excused from this burden, but, in addition to ordinary necessaries, he must find means of conveyance for a set of utensils for cooking, with which each man is provided, and these, added to his clothing, appointments, and ammunition, would constitute a load which the comparatively slender frames of the native troops would be altogether unable to bear through a lengthened march, more especially if it were to be performed, as must frequently happen, under unfavourable circumstances. Carriage cattle are, for this reason, of prime necessity for the movement of an army; but it is to be observed, that the expense of these animals, and their drivers, so far as employed for the use of the sepoys, had been accustomed to be defrayed by the sepoys themselves.

In the instance under notice, however, no bullocks could be provided; none could be hired, and they could only be purchased at an extravagant price. An application for assistance from the commissariat department was made, but was answered by an intimation that the men must provide the required accommodation for themselves. The commanding officer, Colonel Cartwright, however, made disbursements from his private funds for the purchase of bullocks; and government, on learning the deficiency, directed the issue of a

CHAP. XXVI. sum of money to aid in supplying it. Unfortunately, however, the remedy was not applied till the disease had attained a degree of virulence which set at defiance all corrective appliances. As is usual, too, the experience or apprehension of suffering called before the minds of the discontented every incident of their situation which could be construed into a grievance. The men were ordered to A.D. 1824. appear on parade on the 30th of October, in marching order. The greater part appeared without their knapsacks. The cause of the neglect was demanded, and the answer was that their knapsacks were unfit to produce. They were informed that new ones were on their way, and that till their arrival they must use the old ones. They refused to produce them; and part of the regiment then declared that they would not proceed to Rangoon or elsewhere by sea, nor would they move at all unless they were to have double batta, the claim for which was rested on two grounds—first, that increased pay had been given to bullock-drivers and persons engaged in similar services; secondly, that according to report, every thing was very dear in the country to which they were going. After some attempts to subdue the prevailing discontent by reasoning, Colonel Cartwright, finding these efforts vain, and being unable, from the number of the mutineers, to take any more vigorous measures, dismissed the regiment, and sought the advice of General Dalzell. The latter officer proceeded to Calcutta to consult the commander-in-chief, Sir Edward Paget. On his return he ordered

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a parade to take place at daybreak on the morning of the 1st of November. At this parade all semblance of duty was cast aside, and the regiment, with the exception of the officers, commissioned and non-commissioned, burst into acts of open violence. During the night the mutineers slept on their arms, maintaining regular guards and pickets, and a strong chain of sentries and patroles. In this state of things Sir Edward Paget arrived. Two regiments, besides the 47th, were stationed at Barrackpore, preparatory to their proceeding on service; but both of them were infected in some degree with the mutinous spirit which had taken entire possession of the regiment last mentioned. It was necessary, therefore, to seek the means of overawing the mutineers elsewhere; and his Majesty's 1st Royals, his Majesty's 47th, a battery of light artillery, and the governor-general's body-guard, promptly arrived from Calcutta. The force intended to act against the mutineers having taken position, the commander-in-chief deputed the quarter-master-general and the adjutant-general, accompanied by Captain Macan, of the 16th Lancers, as interpreter, and by the commanding officer of the regiment in rebellion, to give on his part an answer to a paper which had been forwarded by the malcontents, as well as to explain to them their situation, and the consequence that must result from their adhering to the course which they had adopted. Their fate, they were informed, would depend on their obedience to

CHAP. XXVI. the command which they were about to receive from the adjutant-general. The word to order arms being given was instantly obeyed. The next order was to ground arms: with this only one man complied, while the silence which had hitherto been maintained was now broken by loud and continued murmurings. These were silenced by a few discharges from a battery in their rear, and the rebel troops speedily broke and fled in every direction, throwing away their arms and accoutrements, and whenever practicable, divesting themselves of the military dress. A few were killed, and the fugitives being hotly pursued, many were taken prisoners. These were forthwith brought to trial before a court-martial. A considerable number were found guilty and sentenced to death, but a few only of the more active were executed, the punishment of the remainder being commuted to hard labour in irons for terms proportioned to their guilt. The native officers, though not participators in the rebellious movement, were believed to be cognizant of the acts and intentions of the mutineers, and they were in consequence dismissed the service. The number of the regiment was most properly erased from the list of the army, the European officers being transferred to another raised in its place.

The motives to mutiny are usually multifarious and complicated. The difficulty of procuring carriage for the baggage of the native troops was in this case, as has been already intimated, but one

among various causes operating to produce discontent.* It was like the change of atmosphere or

* Captain Macan, in his evidence before a select committee of the House of Commons, April, 1832, appears to deny that the want of carriage was, in any degree, a cause of the mutiny. To disprove its being so, he urges that, two days previously to that on which the mutinous troops were ordered to march, "the cattle for the baggage were reported to be efficient and ready;" that in the petition sent in by the mutineers on the night before they were dispersed, no mention was made of this ground of complaint; and that if this were actually the cause of the mutiny, the extensive desertions which took place from every battalion that was at that time ordered to the eastward of the upper provinces, and which were checked by the punishment inflicted at Barrackpore, cannot be accounted for. To these objections it may be answered, that though a sufficient number of bullocks was at last procured, it was not till the discontent had reached an alarming height; and as to efficiency, it appears to have been the opinion of Colonel Cartwright and his officers, that the animals were unfit for service, being of small size, and all of them either too young or too old for severe labour, while their drivers were, it was alleged, not to be depended on. The fact of the omission of this cause of complaint from the petition to the commander-in-chief cannot be regarded as of much importance. Those who drew it up were not practised advocates; and it appears altogether so loose and wild a production, that no reliance can be placed on it as representing the feelings of those from whom it came. It is not unworthy of remark, nor altogether irrelevant to the inquiry, that Captain Macan's recollection of the contents of this paper at the time of his examination does not appear to have been entirely accurate. Being asked (Question 2152) "What causes of grievance did they state?"—the question applying to the petition to which the witness had just before alluded—he answered, "Two: first, their having been required to embark on board ship; secondly, the unjust influence of the havildar major with regard to the promotions of the non-commissioned officers in the battalion. These were the only two causes mentioned by them in their petition, which I translated and answered, by his excellency's orders." The petition

CHAP. XXVI. of mode of life which suddenly gives to predisposing causes freedom and force, and developes in the

translated by Captain Macan, as preserved on the records of government, refers only to a single cause of discontent—the former of those mentioned by Captain Macan; not one word is said of undue influence in the way of promotion. It runs as follows :—

"To His Excellency the Commander-in-Chief, &c., &c., it is presented—

"1. That we, your petitioners, are sepoys in the 1st battalion 47th regiment.

"2. That in order to obtain food, we have drawn on ourselves much ignominy and disgrace.

"3. That learning the fame of your beneficence, which is widely spread, we sought the shade of the skirts of your garment, and do not find that the rules suit us.

"4. The case is this:—The soubahdar major and havildar major told the sepoys, &c., they were going to Rangoon, and would be embarked on board ship, and he told all the sepoys that when the Company went to war they ought not to shrink. After this the soubahdar major and havildar major sent for four men from each company, and said, 'those who wear the *takee khoo* ought not to cast it off. This also they ought not to do.' The sepoys replied, that they never could put their feet on board ship, and that no person would forfeit his caste. For this reason all the sepoys swore by the Ganges water and *toolsee*, that they never would put their feet in a ship; and every gentleman knows that when a Hindoo takes Ganges water and *toolsee* in his hand, he will sacrifice his life. In this way the regiment, &c., pledged themselves. This which is written is our representation. And further, the soubahdar and havildar before mentioned went to the commanding officer, Colonel Cartwright, and stated that the regiment was ready to march; that all the sepoys had agreed (to march), whereas the sepoys knew nothing of this circumstance. Now, you are master of our lives; what you order we will do; but we will not go on board ship, nor will we march for that purpose. Formerly our name was good, but it has now

animal constitution diseases of which the foundation was previously laid. The prejudices of the Hindoo subject him to great privations on ship-board, and

become bad; our wish is, therefore, that our names be effaced, and that every man may return to his home."

To the translation the following note is appended by Captain Macan:—"The original of this petition is written in a most barbarous and unintelligible manner. No regard is paid to grammar, spelling, or idiom. I am therefore doubtful if I have expressed the sentiments of the petitioners in every paragraph, and I am convinced they have themselves not done so. Those parts, however (such as the third paragraph), on which I have doubts, are the least important." Making all possible allowance for the unskilfulness of those by whom the petition was drawn, and conceding that in a very great degree it expressed the meaning of the petitioners imperfectly and inaccurately, it cannot be supposed that it was intended to convey a charge of undue influence as to promotion, which is not even hinted at in the most remote manner.

The remaining objection to the belief that the mutiny originated partially, if not altogether, in the deficiency of carriage-bullocks, is thus put by Captain Macan:—"If, as has been erroneously supposed, the cause of mutiny was the deficiency of carriage, to what is to be attributed the extensive desertions which took place from every battalion that was at that time ordered to the eastward from the upper provinces, and which desertion was effectually checked by the punishment of the mutineers at Barrackpore?" In answer to this, it may be represented that the same inconvenience—the want of the means of conveying baggage—might press upon other regiments as well as upon the 47th, and it is not shewn that it did not. Indeed there appears to have been at the time great difficulty generally in procuring beasts for the transport of baggage to the eastward. But whether this were the cause or not, it is obviously inconclusive to argue that, because a particular cause of discontent did not operate in one case, or in any number of cases, it could not operate in any case whatever.

CHAP. XXVI. he is consequently averse to any service subjecting him to the necessity of a voyage.* The mutineers seem to have believed that they were to proceed to Rangoon by water, and in aid of the annoyance derived from this belief came the feeling of dislike naturally entertained by men reared, for the most part, in the comparatively healthy provinces of upper India, to encounter the danger and misery of a country of marsh and jungle, more to be dreaded than the sword of the enemy. The Burmese war, moreover, had, in some respects, opened inauspiciously, and the effect was to damp the spirit, if not to shake the fidelity, of the native troops. The destruction of the detachment at Ramoo is represented by an officer of long experience in India† as having struck "alarm throughout the native army." From this cause, and from the difficulties in prospect, the war was far from popular. Further—all classes of camp-followers, whose services were in requisition, had taken advantage of prevailing circumstances to advance their claims to remuneration, and necessity had compelled the government to yield. The soldiers were aware of this, and soon began to think themselves entitled to partake of advantages so lavishly and indiscriminately bestowed on men whom they could not fail to regard as their inferiors.

* This reluctance has been overcome, as in the transport of a sepoy force to Egypt, Java, and other places. But to reconcile the men to such duty, the greatest care and tact are required.

† Captain Macan, Evidence, Q. 2151.

While this source of discontent was in full operation, there occurred, most unhappily, a disappointment as to the provision of new knapsacks, for which the men had been under stoppages. In aid of these various causes of discontent came the recollection of some promotions alleged to have been irregular, and to have resulted from the influence of the soubahdar-major with the commanding officer, the parties favoured being relatives of the former person.* CHAP. XXVI.

Thus arose the mutiny of Barrackpore. It was the offspring of temporary disappointment and privation, and excepting that all such movements are fraught with evil suggestion for the future, it was calculated to excite little alarm. In the language of the Court of Inquiry appointed to investigate and report on the unhappy affair, it was an "ebullition of despair at being compelled to march without the means of doing so."

In another part of their report, the same authority, after taking just notice of Colonel Cartwright's exertions to provide the requisite supply of cattle, adds, "that his efforts, and those of the departments whose province it was to supply cattle for the use of the troops marching, failed of success, until too late to stop the progress of the discontent, must ever be a matter of the deepest regret; for the court do not hesitate to believe, that in spite of every other discouraging circumstance, if the means of carriage had been forthcoming at the proper

* Referred to in a preceding note.

CHAP. XXVI. period, and in proportion adequate to the necessities of men marching on such an arduous and trying service, none of the other points of complaint would have been heard, and the late 47th regiment would now have been contending against the enemies of the state."

This opinion appears to be well founded; but mutiny is so serious a crime, that it can never safely be passed over without signal punishment. Experience, too, has shewn, that a regiment, like an individual, having once departed in any serious degree from the line of honour and duty, is very liable to fail again. It is not, therefore, to be lamented that, after what had occurred, the 47th regiment was deemed unworthy of retaining its place in the list of the army. Its expurgation was wise; but just and expedient as was the conduct of government in thus acting, it is impossible not to be struck by the contrast which the wholesome severity exercised in this instance affords to the lenient views taken by the governor of Fort St. George, in regard to the far more atrocious proceedings at Vellore. Treason and massacre had there been perpetrated, and Lord William Bentinck held that these crimes did not constitute a sufficient cause for striking out of the army list the number of the regiment in which they had occurred.

At Barrackpore, though there was resistance, there was little outrage. "There does not appear," said the report of the Court of Inquiry, "to have existed the most remote idea of carrying matters

further, nor any notion of attempting to subvert the government, or to excite hostility against the state. In the prosecution of their mad career, no individual received personal injury from" the mutineers, "nor did the society of Barrackpore consider it necessary to remove from the place from a dread of their intentions; and at length, when the mutineers were broken and dispersed, scarcely any out of nearly a thousand stand of arms were found loaded, although each man was in possession, throughout the affair, of forty rounds of service ammunition."

Events like the mutiny at Barrackpore naturally direct attention to the means by which the British government in India maintains its mighty empire, to the necessity of constant watchfulness over the spirit prevailing in the army, and in every portion of it. All who know the native troops bear witness to the facility with which they may be governed, and their attachment to their employers maintained. The evidence elicited at the last parliamentary inquiry into the subject abounds with such testimony.* Sir Jasper Nicolls,† after nearly twenty years' experience, described the native soldier as singularly orderly and easily managed. "I think," said he, "that the command of a European regiment would be more difficult than the command of a brigade of sepoys. It would be much easier to control five thousand sepoys than it would one thousand

* In 1832. † Now commander-in-chief in India.

CHAP. XXVI. Europeans." Sir Thomas Reynell * gave the result of several years' observation of the native troops in these words:—"They are subordinate, they are patient, and they are certainly obedient to their orders. I consider them to be animated by a good spirit, and I have had a good opportunity of witnessing it in the late service before Bhurtpore. There I have seen them in the trenches working at very laborious employment, and I believe contrary to their own religious feelings. I think that some disinclination to work in this manner appeared at first; but when it was explained to be a military duty, they performed it with good will." Colonel Salmond, who, after serving twenty years in India, had still filled for a very long period the office of military secretary to the East-India Company at home, represented the native soldiers as satisfied with their condition, well-affected to the service, extremely orderly and easy of management. Sir Theophilus Pritzler held similar language, and in proof of the affection of the sepoys for the service, said—"There is no greater punishment that you can inflict upon a sepoy than to order him to be discharged." Major J. W. Aitchison, who had served twenty-six years, said—"I think no troops can be better disposed towards the government." This witness represented the attachment of a sepoy to his officer as generally very great, "if the officer

* Minutes of Evidence before a Select Committee of the House of Commons on officers of the East-India Company's military, ordered to be printed 16th August, 1832.

deserved it." The same opinion was avowed by Sir Theophilus Pritzler, who, being asked what were the feelings of the native troops towards the European officers in their regiments, answered, "I should say very good, provided they are properly commanded;" and by Colonel Salmond, who, in answer to a similar question, said—"Generally, I think those of attachment." Sir Jasper Nicolls answered the same question by stating that the feelings of the sepoy towards his officers "are very decided and strong. He is either very much attached, or he holds them cheaply; if he respects them, he respects them very highly, but there are some that they care nothing about;" and Sir Thomas Reynell represents the feelings of the native soldier towards his officer as depending in a great measure upon the conduct of the officer towards him. The entire weight of testimony goes indeed to shew that the affections of the sepoy may easily be preserved, if he be treated with justice and kindly attention, except where some fanatical feeling may interfere to shake his fidelity. "No one," says Captain Grant Duff, "who has not witnessed it, could believe how much an officer who understands them can attach the sepoys. Some" officers "serve their lives, and never know more than their faces and a few of their names; but sepoys discern the character of an officer even more correctly than European privates, and are more disposed than they are to be pleased with his endeavours for their comfort; they even bear to be treated with more

CHAP. XXVI. kindness and familiarity; but strictness on duty, patiently hearing their regular complaints, and dealing out even-handed justice, are the surest means of securing their respect and attachment."*

These are the lessons of experience, and ought never to be forgotten. The outbreak at Barrackpore was occasioned by a prospect of marching without the accommodation which custom and convenience required. A warning of a different kind was given at Vellore. There the rebellious movement had undoubtedly a political origin, but its fomenters found ready means of inflaming the minds of the soldiery by appealing to their distaste for change. On this point, too, the volume which has already been so frequently quoted affords useful instruction. Among the most valuable portions may be noticed that contained in the following observations by Captain Balmain:—"The great rule in the management of such an army ought to be that no risk whatever ought to be run or change made, except for an evident and certain good. A man will fight as well in a coat of one colour as in that of any other, and, therefore, no risk ought to be encountered in making him change it." He adds, most judiciously, "It is said to be folly to attend to such silly prejudices; but surely it is greater folly to run the risk of alienating the affections of an army for such trifles."† In the views

* Appendix B to Minutes of Evidence, ut supra.

† See Appendix B, Minutes of Evidence, ut supra. "With very few exceptions," says Captain Balmain, "every commander-

above expressed as to the sources of danger, all who have observed the character of the Indian army will concur, while it needs not even this qualification to perceive the soundness of the conclusion with which this quotation terminates. "Constituted as our native army is," said one of the most distinguished of the civil servants of the Company,* "it cannot be otherwise than that there should be some indefinite danger, but I do not see any present cause for apprehension: when it does arrive, it will probably have been caused by our own mismanagement." CHAP. XXVI.

The event remaining yet for notice, as occurring contemporaneously with the Burmese war, was

in-chief at Madras for the last thirty years has signalized the commencement of his command by a long general order on dress, and the general officers have followed the example in their several divisions." Captain Balmain appears also to think the changes in the higher departments of military command too frequent. "The reason," he says, "of the native troops being now more frequently placed under the command of officers unacquainted with their manners, &c., is the more frequent changes in commanders-in-chief, in general officers on the staff, and in regiments. The usual term of service of the two former classes is at the utmost four or five years, a term scarcely long enough to permit them to become acquainted with the nature of the troops under their command; and they then make way for other men, to learn the same lesson, which none of them are ever to be allowed to turn to advantage. Almost every man in the Madras army can talk about Laurence, Clive, or Coote, but not one in a thousand could tell you even the names of any of the late commanders-in-chief; and yet the former officers have all been dead for more than half a century; but then they had served long in India, spoke the language, and had made themselves known to the men."—Ibid.

* William Butterworth Bayley, Esq., formerly member of council at Bengal, now a director of the East-India Company.

CHAP. XXVI. one of greater dignity than that by which it has been preceded in the narration. It originated in the state of affairs at the court of Bhurtpore. The Rajah Bundher Singh had died in 1823 without issue. His brother, named Buldeo Singh, thereupon assumed the government, notifying his accession to the British authorities, and soliciting from them the khelat of investiture as bestowed on his predecessor. Sir David Ochterlony, British resident in Malwa and Rajpootana, in reporting to his government the accession and application of Buldeo Singh, announced the existence of a rumour that Doorjun Saul, the son of a younger brother of the deceased Rajah, intended to contest the succession, on the ground of his having been adopted by the departed prince. In consequence of this communication, the government thought it necessary to refrain from any formal recognition of the new Rajah until the receipt of further information. The result of inquiry was a conviction that the claim of Doorjun Saul was utterly unfounded: Buldeo Singh being in peaceable possession of the musnud, the British resident was ultimately authorized to give him investiture, and the governor-general addressed a congratulatory letter to him as Rajah of Bhurtpore.

The Rajah, on finding himself confirmed in the seat of power, became anxious to secure to his heir the same powerful protection which had been extended to himself, and his conduct towards his British ally appears to have entitled him to expect this

favour. The Rajah's son was too young to maintain his own right to the musnud, in the event of his early succession to it, and the recognition of his title by the British government seemed the most effectual method of stopping the claims and preventing the intrigues which otherwise would arise on the Rajah's death. Sir David Ochterlony was very urgent in supporting the wish of the Rajah that his son should receive public and immediate investiture from the British government, on the grounds that the reigning prince laboured under a disease which led to apprehensions for his life; that the recognition at once of the Rajah's son would tend to check the assertion of pretensions similar to those which had been made on the accession of Buldeo Singh; and that the act would be gratifying to an ally whose adherence to principles calculated to promote peace and good order had been exemplary.

The British government, however, while avowing a desire to gratify the Rajah of Bhurtpore, hesitated to comply with his request. A phrase in the Rajah's letter to Sir David Ochterlony led to some doubts as to the degree of relationship in which the proposed successor to the musnud stood towards the Rajah, and the government desired to be informed whether there were any other members of the family living, who could be regarded as having a better title than the child towards whom their protection was invoked. In reply, Sir David Ochterlony stated, that the boy was the son of Buldeo Singh, and his

CHAP. XXVI. only son. It does not appear that any authority was thereupon given for the performance of the required ceremony; it seems rather that Sir David Ochterlony deemed himself authorized to proceed to it in virtue of some remarks of a general character contained in the despatch, in which the government called for information as to the existence of other claimants of the throne. In January, 1825, he apprized the government of his intention of complying with the wishes of the Rajah by acknowledging his son, and early in February the ceremony of investiture took place. On the 26th of that month the Rajah, Buldeo Singh, died.

Doorjun Saul was not slow to avail himself of this event for advancing his own views, notwithstanding the recognition by the British government of the right of the deceased Rajah's son. Several battalions having been gained over to his interest, the fort was attacked and taken, the uncle of the Rajah murdered, and the boy seized by the usurper. Sir David Ochterlony, on learning this, adopted measures, on his own responsibility, for assembling the largest disposable force which could be obtained, aided by a formidable battering and bombarding train, in order to vindicate the rights of the youthful Rajah of Bhurtpore and the dignity of the British government. He at the same time issued a proclamation addressed to the Jaut population, calling on them to rise in defence of their lawful sovereign, and setting forth that British troops were advancing to rescue Bulwunt Singh from his hands; that they

would assemble at Muttra, whither the resident had repaired for the purpose of advancing and superintending the requisite preparations.

These acts were strongly disapproved by the governor-general in council, and orders were issued peremptorily directing the resident to countermand the instructions which he had given for the march of troops, and to cause them to halt within the British territory. Before these orders were transmitted, it was reported that Doorjun Saul professed to disclaim any intention to usurp the throne; that he had been driven to the course which he had taken by the repeated indignities which he had received from the maternal uncle of the Rajah, who had assumed the office of guardian and prime minister, and that he had acted throughout in concert with many of his tribe, who disapproved the administration which he had overthrown, and had invited him to establish a new one. On the receipt of this intelligence, the government resolved to order not merely the halt of the British troops, but their immediate return to their respective stations. They determined also to direct the resident to recall his proclamation, or neutralize its effect by another, declaring that, as Doorjun Saul had disavowed all intention of seizing the throne, the advance of the British troops had been countermanded, and that an inquiry into the cause of the commotion at Bhurtpore would be instituted. In the conduct of this inquiry, the orders of the government required that the resident should cautiously abstain from

CHAP. XXVI. adopting measures or making declarations likely to commit the British government to any particular course of policy which might involve the necessity of resorting to arms, until after the whole matter should have been fully investigated and maturely weighed. The reasons assigned for the course taken by the government were the following:—That nothing but a case of most indisputable emergency could justify bringing into the field the small force at the time disposable in Upper India, and when the hot winds had actually commenced, engaging in fresh hostilities, the duration and extent of which it was impossible to calculate with any certainty; that they could not view the occurrences at Bhurtpore as constituting such a case of emergency; that they were not prepared to admit the existence of any engagement, express or implied, binding the British government to support the succession of the rightful heir to the Bhurtpore raj by an immediate resort to arms at all hazards, and without reference to time, circumstances, or considerations of general expediency; that Sir David Ochterlony had acted upon imperfect and unsatisfactory information regarding the real facts of the case; that he had not called on Doorjun Saul for any explanation of his views and conduct, and that, consequently, it was not known what plea he might have to offer in vindication of the apparent violence of his proceedings, nor what object he professed to have in view in exciting the disturbance; that it might turn out that he only claimed to exer-

cise the regency during the minority of the Rajah, in preference to the prince's relations by the female side, and that to this office it was likely he possessed the best title, though his manner of asserting it had been violent and irregular. The intelligence received pending the consideration of the orders to be issued to the resident was referred to as strongly confirming the views of the government on this last point.

The instructions for the suspension of military preparations and the withdrawal of the troops which had moved were followed by others, animadverting with some severity on the imperfect manner in which the proceedings of the British resident at Bhurtpore, previously to the death of the late Rajah, had been reported, and on the investiture of the young Rajah without positive and distinct authority; a proceeding which it was represented placed the government in the embarrassing dilemma of either disavowing the acts of its representative, or plunging into hostilities in Hindostan at a season unfavourable for military operations, and objectionable with reference to the state of the war then waging with the state of Ava.

Before these instructions reached Sir David Ochterlony, he had received a mission dispatched by Doorjun Saul for the alleged purpose of explaining his views and pretensions to the representative of the British government. The answer of Sir David Ochterlony was, that the only course which appeared to him likely to satisfy the British government was for Doorjun Saul to come to the British camp

CHAP. XXVI. with the infant Rajah in his hand, and deliver him to the resident's care, with a public and solemn assurance of his own fidelity and obedience to the prince. A reference to Bhurtpore followed, but before any answer was obtained, the later orders of the governor-general in council were received by the British resident. He replied to them with great warmth, affirming that the military preparations which he had made were of such a nature as to justify the expectation that Bhurtpore would fall in a fortnight after the British force should appear before it; that even if the young Rajah had not been acknowledged as the legal successor to the throne, he could not have supposed that the British government would tolerate the usurpation of the prince's rights by others; and that, after such acknowledgment, it was not to be believed that principle was to be made to yield to expediency and the dictates of timid policy calculated to defeat its own ends and purposes. The usurpation, he represented, would not have been attempted but under the "strongly prevalent impression" that the British were unable to chastise insolence and support right; and whether or not this error should be refuted was not with him, he added, a question for a moment. The pretensions of Doorjun Saul, he alleged, were originally directed to the throne, though subsequently they might have been modified; but whatever they might be, he declared that it never entered his imagination that, with reference to the manner in which the power of that person had been acquired, it could have been

recognized in any form until such concessions should be made as it might become the British government, in the high and commanding position which it maintained, to accept.

About this time the mother of Buldeo Singh, alarmed by the military preparations made by the resident, addressed to him a proposal not very dissimilar to that which had been offered by the vakeels of Doorjun Saul. It was to the effect that she should be declared Regent, but Doorjun Saul intrusted with the administration of the state under the title of mooktar. The lady proposed, in the first instance, to wait herself on Sir David Ochterlony; then to send Doorjun Saul to hold an interview with him at a spot half-way between Malwa and Bhurtpore; and lastly, that the British resident should proceed in person to the latter place, there to enter on an amicable discussion of the matters in dispute. Several letters were interchanged, but no meeting took place, and nothing resulted from the correspondence. Whether the proposal was a mere expedient to gain time and postpone the apprehended attack on the city, or whether its abortive termination was caused in any degree by the change of purpose enforced upon the resident, it is impossible to decide.

Sir David Ochterlony, in acknowledging the orders in which the change originated, and after vindicating his own views and actions in the mode already stated, said: "The only way left me to proceed is by making an explicit declara-

CHAP. XXVI. tion, that my proceedings from first to last have been condemned by the right honourable the governor-general, who, however he may disapprove of Doorjun Saul's violent proceedings, is willing to suppose there may have been some extenuating circumstances, and will consent to recognize his claim to the mooktaree, provided, on a full and faithful statement, he is found to have suffered hardships or indignities from the deceased mooktar" (who had perished in the disturbances), "and has, as he asserts, really the voice and wishes of the Mabjee, and the majority of the tribe. I shall state that I have acted hitherto on erroneous conceptions of what would be his lordship's sentiments; but being now in possession of these, I lose no time in communicating them, as freely as I should if they had conveyed an approbation of my measures."* He did not precisely follow this model, but his communication to Doorjun Saul did not differ from it very widely. It was as follows:—"Having informed the governor-general of the state of affairs at Bhurtpore soon after my arrival at Muttra, I have received his commands, which are to this effect:—that as Rajah Bulwunt Singh is acknowledged to be the heir of the guddee,† it will be proper, previously to any further proceedings, that I should make very particular inquiry into past events, and report them faithfully to the Sudder;‡ when his lordship will determine, on deliberate investigation,

* Letter to Secretary to Government, 15th of April, 1825.

† Throne.

‡ Head or chief.

what measures should take place for the future arrangement during his minority. In consequence of these orders and the time which will elapse before his lordship can form a decision on this subject, I have ordered the troops to return to their respective stations, and shall wait his ultimate orders. As this order will obviate the necessity of any further negotiation between us at present, I give you the intimation; but I recommend you, as a friend, to send a very intelligent, respectable, and confidential person to explain all the circumstances that have taken place to Calcutta, without depending on my intervention."* In communicating to government a copy of this letter, Sir David Ochterlony reasserted the propriety of his previous course of action with the same warmth which he had constantly manifested in its defence. He said, "As many letters have been received from various quarters which explicitly announce the instructions I have received by express, I feel it useless to struggle longer against events;" and after calling attention to the copy of the intended communication to Doorjun Saul, he continued, "In transmitting this document, I beg leave respectfully to offer my resignation to his lordship in council, as, however sorry I may be that my measures have not been honoured with the approbation of his lordship in council, I should be guilty of falsehood if I acknowledged any conviction of their incorrectness or impropriety, thinking, as I did, that every moment's delay was submission to disgrace, and feeling, as I

* Letter to Doorjun Saul, 25th of April, 1825.

CHAP. XXVI. do, that a few days' delay in the arrival of your express would have brought matters to an amicable and honourable conclusion."*

After this, Sir David Ochterlony returned to his usual place of residence, near Delhi, where he received a visit from a gooroo, or priest, of high influence at Bhurtpore. Some conversation took place respecting the terms of an arrangement, remarkable only on account of the new ground taken up by the representative of the ruling party at Bhurtpore. He considered that Bhurtpore was not a principality, but a zemindary, recently established by force of arms, and that according to the rules of the jauts, as well as to the laws of Hindoo inheritance, the dominion ought to have been equally shared among the sons and heirs. In what manner this position was intended to be applied is not very clear, as it seems that the gooroo only required that his employer, Doorjun Saul, should be nominated by Sir David Ochterlony to the office of mooktar. To speculate, however, on the intentions or the instruments of native diplomacy, is for the most part a waste of time, its tortuous character defying the efforts of the most minute and careful consideration.

The resident proposed to the gooroo three conditions, to which he recommended Doorjun Saul to subscribe, as being calculated to secure a favourable decision of the British government. They were to the effect that Doorjun Saul should recognize the right of Bulwunt Singh to the sovereignty

* Letter to Secretary to Government, 25th of April, 1825.

by his acts as amply as he had already done by his letters; that his claim to the mooktaree should be left for the decision of the governor-general in council; and that, if demanded by the British government, a sum not exceeding five lacs of rupees should be paid for the expenses incurred by the late military preparations. The probability of obtaining such terms, more especially the promise of reimbursement for putting in motion a military force which had retired without the slightest attempt to effect its purpose, is a point that can require no discussion or observation. The proposal of the resident was met by a counter-proposal, the chief point in which was the immediate appointment by Sir David Ochterlony of Doorjun Saul to the mooktaree. These communications were followed by no result, and they might be passed over without notice, were it not for the fact that the occasion of reporting them was seized by the resident as an opportunity for returning to the vindication of his own conduct, with a degree of indignant feeling not inferior to that displayed by him when he first became aware that his acts were disapproved. "I have ever considered," said he, "that the hour of necessity or the call of honour fixed the time of military operations. It was on this principle that in my youth we kept the field for three years against Hyder, knowing no repose but in the rains, when the country was equally impassable to the enemy and to us. It was on this principle that Lord Lake took the field in the height of the rains of 1803,

CHAP. XXVI. and remained during all the hot winds of 1804 under canvas in the hottest country in Hindustan, Jeypoor. According to the new doctrine, the resentment of an insult, and the punishment of crime, are to be suspended from March to November, and in many cases vengeance, though delayed, would not be less severe or less exemplary; but there are others, and particularly those where the eyes and minds of men have been strongly and earnestly directed, where the general effort is lessened or lost by the least delay, quite independent of the consideration of affording time to strengthen that which was weak, and thereby adding to the difficulties and obstacles always opposed to attacks, and particularly to siege operations."* After observing that the renown of the fortress of Bhurtpore, and the previous failure of the British arms to reduce it, afforded additional reasons for vigorous measures, Sir David Ochterlony proceeded to justify his conduct with regard to the investiture of the young Rajah during the life of his father. His argument is, that as it was an understood fact that the boy was the son and heir apparent of the reigning prince, the possible ground for hesitation suggested by the governor-general in council did not exist, and that no notice having been taken of his explanation upon this point, he could not but conclude that it was satisfactory. After some remarks on the internal affairs of Bhurtpore, Sir David Ochterlony thus proceeded: "If I had fortunately possessed

* Letter to Secretary to Government, 11th of May, 1825.

the confidence of government, it would, perhaps, have been thought that Calcutta was not exactly the place to form a judgment on these matters, and it might have been conjectured that, with fifty years' experience, I was not a very inadequate judge of the general impression delay would cause, and how far it was wise, politic, or imperative, to remove certain prevalent opinions. As a soldier, too, I might have received credit for so much common sense and discretion as would enable me to appreciate whether my means were equal to the end, provided my hopes were disappointed as a politician in producing such apprehensions, as of themselves would prevent an appeal to arms, with an equal degree of *éclât* and honour almost as would have resulted from the capture of the place."*

The feeling of Sir David Ochterlony, that the period for his retirement had arrived, seems to have been shared by the government. "Being fully impressed," said the governor-general in council, addressing the Court of Directors, "that his advanced age and continually increasing infirmities rendered his retirement from the active and laborious employment which he had so long filled with the highest distinction, a measure no less desirable on the public account than necessary for his own personal relief and recovery, we did not oppose the execution of the above purpose,"†—that of retirement. Some mo-

* Letter to Secretary to Government.

† Letter from Government of Bengal to Court of Directors, 1st of October, 1825.

CHAP. XXVI. dification with regard to the office held by Sir David Ochterlony took place. The duties connected with Malwa were transferred to another officer, while those of Rajpootana were allotted to Sir Charles Metcalfe, who was appointed to the residency of Delhi, an office which he had formerly held. It was the intention of the government to recommend that Sir David Ochterlony's services should be acknowledged by the grant of pecuniary provision sufficient to ensure comfort to his retirement; but the execution of this design was frustrated by his death, which took place at Meerut a very short time after his surrender of office.*

* Sir David Ochterlony passed fifty years in the service of the East-India Company, of which he was one of the brightest ornaments. With the more striking qualities of the military character he united another equally necessary for high command—a sound and cautious judgment. He was engaged in most of the wars in India, from those with Hyder Ali downwards. In the operations against Nepaul he was the chief instrument in bringing the war to a happy termination. It is highly creditable to the Bengal government that the differences which had taken place did not render them insensible to the previous merits of Sir David Ochterlony, nor slow to acknowledge them. They are noticed neither coldly nor ungracefully in the following general order issued on the occasion of his death:—

"The right honourable the governor-general in council has learnt, with great sorrow, the demise of Major-General Sir David Ochterlony, resident in Malwa and Rajpootana. This melancholy event took place on the morning of the 15th instant at Meerut, whither he had proceeded for the benefit of change of air.

"On the eminent military services of Major-General Sir David Ochterlony it would be superfluous to dilate: they have been acknowledged in terms of the highest praise by successive governments; they justly earned a special and substantial reward from the Honourable East-India Company; they have been

On reviewing the correspondence between Sir David Ochterlony and his government, it is not easy to acquit the former of precipitancy in solemnly recognizing the right of the son of the Rajah, without positive instructions from the authority under which he acted. There was, to all appearance, at the time no pressing necessity for the step; for though the reigning prince laboured under disease which soon proved mortal, his health when the investiture took place was not regarded with any appre-

recognized with expressions of admiration and applause by the British parliament; and they have been honoured with signal marks of the approbation of his sovereign.

"With the name of Sir David Ochterlony are associated many of the proudest recollections of the Bengal army, and to the renown of splendid achievements he added, by the attainment of the highest honours of the military Order of the Bath, the singular felicity of opening to his gallant companions an access to those tokens of royal favour which are the dearest objects of a soldier's ambition.

"The diplomatic qualifications of Sir David Ochterlony were not less conspicuous than his military talents. To an admirably vigorous intellect and consummate address, he united the essential requisites of an intimate knowledge of the native character, language, and manners. The confidence which the government reposed in an individual gifted with such rare endowments was evinced by the high and responsible situations which he successively filled, and the duties of which he discharged with eminent ability and advantage to the public interest.

"As an especial testimony of the high respect in which the character and services of Major-General Sir David Ochterlony are held, and as a public demonstration of sorrow for his demise, the governor-general in council is pleased to direct that minute guns, to the number of sixty-eight, corresponding with his age, be fired this evening at sunset from the ramparts of Fort William."

CHAP. XXVI. hension. This was an error. The subsequent movement of troops in the direction of Bhurtpore can scarcely be so regarded, it being most important to shew that the British government was prepared to support the prince to whom its faith was pledged, and to afford the required support not only vigorously but promptly. At the same time it must be allowed, that the government might entertain some misgiving as to the probability of success in an attack on Bhurtpore, should it become necessary. The effects of defeat, at all times perilous, would have been doubly so while the British government were engaged in a war carried on at a distance, and in which its course of success had not been without check. On the other hand, it is due to Sir David Ochterlony to give him the advantage of his own declaration, that he hoped to be able to effect his object by the terror consequent on the approach of a large force. All hope of this was necessarily frustrated by the order for the troops to withdraw to their usual stations; an order calculated to feed the prevailing confidence in the impregnability of Bhurtpore, and induce a belief that the British shrunk from undertaking the task of reducing it. If it were thought imprudent to make the attempt without an addition of force, that addition might have been provided, and the troops already assembled ordered to await its advance. The state of the season was a point not unworthy of consideration; but the blame cast upon Sir David Ochterlony for undue haste in not having tried the

effect of negotiation, previously to calling in the aid of a military force, appears undeserved. Such a force was the best possible instrument for rendering negotiation effectual. The apologetic suggestions offered for Doorjun Saul, the indulgence with which his conduct was viewed, and the belief that any satisfactory arrangement could be effected with that person by means of discussion and explanation, unaided by that which in the East is an indispensable auxiliary to discussion and explanation, seem altogether unwarranted by any thing in the circumstances of the case. If there was somewhat too much of decision on the one side, it can scarcely be questioned that there was more than a sufficiency of doubt and hesitation on the other. Long accustomed to the exercise of great power, and entertaining, not without reason, considerable confidence in the results of his own experience, Sir David Ochterlony was perhaps inclined to stretch the exercise of his authority to an extent of independence which few persons intrusted with superintending and controlling power would approve—to which few would calmly submit. But while this cannot be denied, it would almost seem that a desire of thwarting the resident on every point was thereby engendered in the authority to which he was accountable, and that this desire was suffered to operate to a very injurious degree.

A.D. 1825.

In the month of June the situation of Bhurtpore became still more distracted than before, by a quarrel which arose between Doorjun Saul and his

CHAP. XXVI. brother, Madhoo Singh, with whom he had previously acted in concert, and who was believed to have been the chief instigator of his proceedings. Madhoo Singh attempted to seize the fort of Bhurtpore and the person of his brother; but failing in this, he retired early in July to the strong fortress of Deeg, established his authority over the surrounding country, collected troops, and repulsed, with considerable slaughter, some detachments sent by Doorjun Saul to reduce him to subjection. This state of affairs invited a great influx of armed men from the adjacent districts, some of which were under the direct authority of the British government. When numbers of persons are at once anxious for military service, and careless as to the chief under whom they may find it, it is comparatively easy to collect an army; and where, either from inability or avarice, the disbursement of pay is neglected, the deficiency is readily supplied by resort to the prescriptive practice of plunder. Thus it was in Bhurtpore. Among those attracted thither by the cry of war was a considerable body of Mahrattas, who crossed the Chumbul, from Scindia's country, and joined Madhoo Singh at Deeg. With these adventurers plunder was but an ordinary mode of subsistence, and with such supporters it could not be doubted that Madhoo Singh would become as bitter a scourge to his neighbours as to the country of which he had taken possession. The magistrate of Agra, in advising his government of the immigration of Mahrattas which had taken place into Bhurtpore, and the

probability that more would follow, added, "Madhoo Singh has not, I am informed, the means of supplying his troops, and he is reduced to great distress for want of provisions. If he should not succeed in making peace with his brother, it is to be feared that he may place himself at the head of his rabble, and commence a system of plundering which is not likely to be confined to the Bhurtpore country." This is indeed a natural step in the progress of an Indian adventurer disappointed in the attempt to establish a more respectable authority. At the time when this communication was made, the fact had indeed ceased to be matter of expectation; for Madhoo Singh's troops had paid a visit to a village belonging to the Rajah of Alwar, and relieved the inhabitants from the care of every article of property that admitted of ready transport.

The situation of Bhurtpore, and the dangers with which that situation was fraught to the territories of the British government, as well as to those of its allies and dependents, now pressed strongly on the attention of the governor-general in council; but their views as to the proper line of policy were not unanimous. Three members of council, Mr. Fendall, Mr. Harrington, and the commander-in-chief, Sir Edward Paget, recorded their opinions in favour of the interference of the British government, as well with reference to its own security, and to the probability that the prolongation of disturbances in Bhurtpore might kindle the flame of war throughout Rajpootana, Malwa, and Delhi, as to

CHAP. XXVI. the claim of the youthful Rajah to protection. The danger of a general war was emphatically dwelt upon by Mr. Fendall, who took occasion to advert to the possibility of the powers whose thrones had fallen before the British arms taking advantage of events to endeavour to regain what they had lost. Mr. Harrington was earnest to vindicate the course which he recommended from the imputation of being at variance with orders from home against interference in the internal affairs of native states. Such vindication scarcely appears necessary, but it was certainly successfully executed. After adverting to opinions which he had formerly recorded, he proceeded: "I will only add, at this time, that the prohibitory orders of the authorities in England against interference in the ordinary administration of states in alliance with the British government, do not appear to me applicable to the case of Bhurtpore, in which we are not called upon to interfere by power or influence, for the better government of a country in a state of internal tranquillity, and under the rule of its lawful sovereign. The legitimate successor to the raj of Bhurtpore, who was recognized as such by the representative of the British government during the life of the late Rajah, has been forcibly deprived of his indisputable right by an usurper, and the country has been since in a state of disorder, which threatens to involve other native states (as noticed by Mr. Fendall), if not prevented by the timely exercise of that paramount authority, which, for the furtherance of general security and

prosperity, is now happily vested in the British government. If in such a case we should be justified in leaving the young Rajah to his fate, and his country to be usurped by whoever may in the end prove the strongest of the contending insurgents, I really know not any circumstance short of a positive obligation by treaty which can be considered to justify either past or future interference in any of the native states which are in alliance with us, or which have hitherto been deemed entitled to protection, as well from internal commotion as from external aggression, both tending to disturb the general tranquillity of India." The commander-in-chief restricted his approbation of interference to the ground of the danger to which the British government was exposed by the probable extension of disturbances beyond the boundaries of Bhurtpore. To avert this danger, he recommended the assemblage of a military force near Muttra, at the termination of the rainy season. After adverting to the possible success of negotiation in effecting the emancipation of the infant prince, and expressing confidence in the talents of Sir Charles Metcalfe, Sir Edward Paget pithily added, "Meanwhile, negotiations are very apt to thrive when backed by a good army."

The governor-general stood aloof. He was decidedly opposed to the views entertained by Mr. Fendall and Mr. Harrington, and, to a certain extent, by the commander-in-chief. He thought it inexpedient to interfere in the internal concerns of

CHAP. XXVI. Bhurtpore, and argued that such interference was not called for by the treaty, nor had ever been practically exercised, except in acknowledging, when invited, the lawful successor to the raj. To this extent he was desirous of limiting the interference of the British government, more especially with reference to the probability that a contrary course might involve the necessity of undertaking the siege of the fortress of Bhurtpore. "I am not aware," he observed, "that the existence of that fortress has occasioned to us the slightest inconvenience during the last twenty years." His lordship was opposed to making any overtures to Doorjun Saul, as, if they should be rejected, the issue would be that the British government had exposed itself unnecessarily to slight; and if they should be accepted, the British government would be bound to support Doorjun Saul against his brother, and to attack Madhoo Singh in the fortress of Deeg. The safety of the young Rajah, his lordship thought, was most likely to be secured by abstaining from interference. He thought the life of the prince important to Doorjun Saul, under the circumstances that existed; he apprehended that interference might have the effect of uniting the brothers, and causing the sacrifice of the Rajah. The occurrence of danger to the Company's territories his lordship admitted to be a cause for interference, but acts of aggression from either party he regarded as unlikely. He assented to the propriety of assembling a force at Muttra, as recommended by the commander-in-chief, but ex-

pressed a hope that this measure, and the presence of Sir Charles Metcalfe at Delhi, would prevent the "embers bursting forth in a flame." CHAP. XXVI.

Such were the respective views of the governor-general and the members of council, as recorded a short time after the death of Sir David Ochterlony.* On the arrival of Sir Charles Metcalfe in Calcutta,† preparatory to assuming the duties of resident at Delhi, all the reports and documents connected with the affair of Bhurtpore were referred to him for perusal, with an intimation that it was the wish of the government that he should state his opinions, both on the general question of interference and on the specific measures to be adopted in the existing juncture. This he did in a very elaborate, though not a very lengthy paper, delivered to the government at the latter end of the month of August. It is difficult to give a satisfactory account of (A. D. 1825.) the views embodied in this masterly exposition of the true policy of the British government, from the fact that every sentence is so pregnant with meaning as scarcely to admit of abridgement.

Sir Charles Metcalfe commenced by referring to the general rule of non-interference, and to the constantly recurring necessity of disregarding it in practice. He proceeded—"We have by degrees

* The four minutes were recorded respectively on the 23rd and 26th of July, and the 3rd and 6th of August, Sir David Ochterlony having died on the 15th of the former month.

† Sir Charles Metcalfe was previously resident at the court of the Nizam.

CHAP. XXVI. become the paramount state of India. Although we exercised the powers of this supremacy in many instances before 1817, we have used and asserted them more generally since the extension of our influence by the events of that and the following year. It then became an established principle of our policy to maintain tranquillity among the states of India, and to prevent the anarchy and misrule which were likely to disturb the general peace." After referring to instances in illustration of this statement, Sir Charles Metcalfe proceeded thus: "In the case of succession to a principality, it seems clearly incumbent on us, with reference to this principle, to refuse to acknowledge any but the lawful successor, as otherwise we should throw the weight of our power into the scale of usurpation and injustice. Our influence is too pervading to admit of neutrality, and sufferance would operate as support." The questions actually at issue in the case of Bhurtpore were subsequently adverted to in an abstract form. "If," said Sir Charles Metcalfe, "the prince be a minor, the constitution of each state will point out the proper person to exercise the powers of regency during the minority, and that person, for the time, must stand in the place of the prince. Such misrule may possibly occur as will compel us to interfere, either for the interests of the minor prince or for the preservation of general tranquillity, the existence of which is endangered by anarchy. In such an extreme case the deposition of the culpable regency, and the nomination of another according to

the custom of the state, with full powers, would be preferable to the appointment of a minister with our support under the regency, for this latter arrangement can hardly fail to produce either a divided and inefficient government or an odious usurpation." After limiting the right of interference by the British government to the states towards which it stands in the relation of a superior and a protector, it was observed that, with regard to those states, "we cannot be indifferent spectators of long-continued anarchy therein, without ultimately giving up India again to the pillage and confusion from which we rescued her in 1817 and 1818." Most justly did Sir Charles Metcalfe then proceed to apply the experience of the past as a warning for the future. "We attempted," he continued, "to act on the principle of non-interference after the peace of 1806; we had succeeded to Scindia, as lord paramount of the states between the Sutleje and the Jumna, but we abstained from exercising the authority which we had acquired. Some of those states had internal dissensions which they called on us to settle. We replied, that it was contrary to our system to interfere in the affairs of other states. The disappointed parties applied to Runjeet Singh. He was not loath, and after feeling his way cautiously, and finding no opposition from us, gradually extended his power and influence over the whole country between the Sutleje and the Jumna. It became the principal business of our negotiation with him, in 1808 and 1809, to remedy

CHAP. XXVI. this mischief by throwing his power back beyond the Sutleje, which was accomplished with considerable difficulty, great reluctance on his part, and a near approach to war." Having laid down a series of general principles (some of which have been quoted at length), Sir Charles Metcalfe found no difficulty in applying them to the existing circumstances of Bhurtpore. "We are bound," said he, "not by any positive engagement to the Bhurtpore state, nor by any claim on her part, but by our duty as supreme guardians of general tranquillity, law, and right, to maintain the legal succession of Rajah Bulwunt Singh to the raj of Bhurtpore, and we cannot acknowledge any other pretender. This duty seems to me to be so imperative, that I do not attach any peculiar importance to the late investiture of the young Rajah in the presence of Sir David Ochterlony. We should have been equally bound without that ceremony, which, if we had not been under a pre-existing obligation to maintain the rightful succession, would not have pledged us to any thing beyond acknowledgment. The lawful Rajah established, Bhurtpore may be governed, during his minority, by a regency, such as the usages of that state would prescribe. How this should be composed can only be decided by local reference. Doorjun Saul having unquestionably usurped the raj, seems to be necessarily excluded from any share in the regency or administration; and his banishment from the state, with a suitable provision, will probably be indispensable for the safety of the young Rajah; the more so, if, as I

suppose, Doorjun Saul, by the custom of that state, is next in succession to Rajah Bulwunt Singh, and, consequently, the actual heir presumptive to the guddee." After discussing the claims of Madhoo Singh, to whom, on the whole, the writer of the memorandum was more favourable, he returns to Doorjun Saul, whose usurpation, if persisted in, must, he declares, be put down by force of arms; but, under any circumstances, he continued to maintain that the usurper must be excluded from power. "Doorjun Saul," said he, "finding us determined to support the right of the young Rajah, may propose to relinquish his usurpation of the raj, and stipulate for confirmation in the regency. This would be a continuation, in a modified shape, of the usurpation which he effected by violence, in contempt of our supremacy. It would not be possible to obtain any security for the safety of the young Rajah, if Doorjun Saul, who is either the next heir, or at least a pretender to the raj, were regent."

Sir Charles Metcalfe then shewed that, waiving these objections, such an arrangement was not likely to secure the peace of the country, and observed, "We are not called upon to support either brother; and if we must act by force, it would seem to be desirable to banish both." He contended, however, that all that could at that time be determined with certainty was, that the Rajah, Bulwunt Singh, must be maintained, and a proper regency established; adding that every other point was open to discussion,

CHAP. XXVI. and that a nearer view of the scene might probably suggest plans not likely to occur at a distance. The paper which has been so amply quoted contained, in addition to the exposition of the author's views as to Bhurtpore, some observations on the position of the British government with regard to Alwar and Jyepoor, with both which states some causes of difference had arisen. These, however, being comparatively of little interest, may be passed over; but some remarks on the possibility of war being unavoidable are too instructive to be omitted. "Desirable as it undoubtedly is," said Sir Charles Metcalfe, "that our differences with all these states should be settled without having recourse to arms, there will not be wanting sources of consolation if we be compelled to that extremity. In each of the states our supremacy has been violated or slighted, under a persuasion that we were prevented by entanglements elsewhere from efficiently resenting the indignity. A display and vigorous exercise of our power, if rendered necessary, would be likely to bring back men's minds in that quarter to a proper tone, and the capture of Bhurtpore, if effected in a glorious manner, would do us more honour throughout India, by the removal of the hitherto unfaded impressions caused by our former failure, than any other event that can be conceived."

The reasoning of Sir Charles Metcalfe, aided probably by the influence of his high character for ability, uprightness, and independence, appears to have produced effects which could hardly have been anti-

cipated. The governor-general seems to have consented not only to shape his course of policy in accordance with the suggestions of the memorandum, but even to have been to a great degree convinced by its arguments. In recording his change of views, he said, "I have hitherto entertained the opinion that our interference with other states should be limited to cases of positive injury to the Honourable Company, or of immediate danger thereof. In that opinion I have reason to believe that I am not supported by the servants of the Honourable Company most competent to judge of its interests, and best acquainted with the circumstances of this country: I should, therefore, have hesitated in acting upon my own judgment in opposition to others; but I am further free to confess, that my own opinion has undergone some change, and that I am disposed to think that a system of non-interference, which appears to have been tried and to have failed in 1806, would be tried with less probability of success, and would be exposed to more signal failure, after the events which have occurred and the policy which has been pursued during the last nineteen or twenty years. A much greater degree of interference than was formerly called for appears to have resulted from the situation in which we were placed by the pacification of 1818. It might be a hazardous experiment to relax in the exercise of that paramount authority which our extended influence in Malwa and Rajpootana specially has imposed upon us. Applying

CHAP. XXVI. these general principles to the particular cases before us, and believing that without direct interference on our part there is a probability of very extended disturbances in the Upper Provinces, I am prepared, in the first place, to maintain by force of arms, if necessary, the succession of Bulwunt Singh to the raj of Bhurtpore." On the respective claims of Doorjun Saul and his brother to favour, the governor-general was less decided, and he inclined to keep open the door for reconciliation with the former. "It is enough, however, at present," he observed, "to determine the leading point that the succession of Bulwunt Singh shall be maintained."

The great obstacle to the adoption of a decided course of policy in regard to Bhurtpore being thus removed, a resolution was passed by the governor-general in council, on the 18th of September, declaratory of the intentions of government. It is remarkable on account, not so much of the measures which it announced, for these might have been looked for as the natural results of the state of opinion and feeling which prevailed among the members of the government, but for the bold and unhesitating avowal of principles, the acknowledgment of which had, up to that period, been studiously avoided. Thus ran the most important part of the resolution:—

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"Impressed with a full conviction that the existing disturbances at Bhurtpore, if not speedily quieted, will produce general commotion and interruption of the public tranquillity in Upper India, and feeling convinced that it is our solemn duty, no less than

our right, as the paramount power and conservators of the general peace, to interfere for the prevention of these evils, and that these evils will be best prevented by the maintenance of the succession of the rightful heir to the raj of Bhurtpore, whilst such a course will be in strict consistency with the uniform practice and policy of the British government in all analogous cases, the governor-general in council resolves that authority be conveyed to Sir C. T. Metcalfe to accomplish the above object, if practicable, by expostulation and remonstrance; and, should these fail, by a resort to measures of force." No instructions or suggestions were given to Sir Charles Metcalfe to regulate his proceedings; he was left to the unfettered exercise of his own judgment and discretion. Moreover, his views as to the final arrangement of the affairs of the Bhurtpore state were adopted and embodied in the resolution as those which, in the existing state of their information, the government deemed most worthy of being entertained. "At present," it was declared, "the governor-general in council contemplates the expulsion of Doorjun Saul from the state of Bhurtpore, with a suitable provision for his maintenance, and the formation of a regency according to the laws and usages of the state, in which he shall not be included, as the necessary consequence of his violence and usurpation, no less than as indispensable for the future safety of the young prince, Bulwunt Singh.—Whether Madhoo Singh shall be similarly excluded

CHAP. XXVI. or not, will depend in some measure on the share he may take in the transaction now about to open, and may remain a subject for future discussion."

It will be unnecessary to pursue minutely the proceedings of Sir Charles Metcalfe in attempting to settle the affairs of Bhurtpore by negotiation. It will be sufficient to say that they did not succeed. Doorjun Saul revived his claim to the throne, founded on a pretended appointment by a former Rajah, the falsehood of the allegation being proved by the very circumstances referred to in support of its truth;* while occasionally he held language

* The statement of Doorjun Saul was as follows:—"The deceased Maharajah Burjindee Bundheer Sing treated me from my infancy as his own child, had me educated entirely under his own eye, and on all great occasions, when he received visits from chieftains of rank, or went forth into public, I invariably accompanied him. When, by the will of the Almighty, he was afflicted with blindness and other severe bodily ailments, which entirely destroyed his health, he executed a *bukhghish namek* (deed of gift) under his own seal, with the signature affixed of all his relations and the principal chiefs of the state, which he intrusted to his rannee, the Maha rannee Luchmee, and it was determined that the customary forms and ceremonies connected therewith should be performed on the principal day of *Dussera* festival. The above facts were well known to the former governor-general, and to all the English gentlemen who were in his suite at the time of the interview at Futtehpore, when I also was honoured with the grant of a khelaut. Fate so willed it, that the Maharajah died suddenly a few days before the *Dussera*, when the Maharajah Buldeo Singh violently and unjustly seized the raj." The circumstantiality with which the pretender sought to add to the credibility of his story, unfortunately for him, affords the means for its refutation. He alleges that the deed in his favour was executed at a time when the Rajah Bundheer Singh was suffering under "blindness and severe bodily ailments, which entirely destroyed

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which seemed to indicate submission. Though supposed to be a man of timid feelings, he evinced little fear, and his firmness was probably sustained by the apathy generally manifested as to the claims of the rightful prince. It was known to all that he was a usurper, and his character exhibited little that was calculated to win popular favour; but he commanded on one point, the sympathy of the people. This was observed by Sir Charles Metcalfe, and thus noticed in one of his communications to the governor-general in council:—"The right of Rajah Bulwunt Singh is unquestioned and unquestionable, and it seems wonderful that, with so bad a cause, Doorjun Saul should be able to think of opposition to a predominant power which seeks only to render justice to the lawful prince. But notwithstanding the injus-

his health," and he affirms that the sudden death of the Rajah a few days before the *Dussera*, at which the customary forms and ceremonies were to be performed, gave opportunity for defeating his claim, while he fixes the date of the transactions as coincident with the meeting at Futtehpore, if not prior to it, as he says the intention of the Rajah, which intention was defeated as above stated, was well known to the English present at that meeting. The consistency of the tale with itself, and the degree of credit due to it, are shewn by the following facts. The meeting at Futtehpore took place in February, 1815, when the Rajah was labouring under no bodily ailments, but was in good health. The death of the Rajah, which, according to Doorjun Saul, prevented the execution of that which was decided on at or before the interview at Futtehpore, did not occur till late in the year 1823, nearly nine years after that interview. The exposure of the bungling construction of the story is of little importance, excepting as it tends to illustrate the facility with which, in India, evidence is manufactured whenever it is wanted.

CHAP. XXVI. tice of the usurpation, which every one admits, he will probably receive support from the circumstance of his placing himself in opposition to the British government as the defender of Bhurtpore. It must be known to the right honourable the governor-general in council that this fortress is considered throughout India as an insuperable check to our power, and the person who undertakes to hold it against us will be encouraged in his venture by its former successful defence, and by the good wishes of all who dislike our ascendency, whatever may be the injustice of his cause."* Here lay the secret of his strength and of his confidence. He felt safe in possession of the unyielding fortress of Bhurtpore, and he gained support by his disposition to defend it.

The period was rapidly approaching when the impregnability of the fortress and the resolution of its usurping master were to be tested. A vast force was advancing upon it under the command of Lord Combermere, who had succeeded Sir Edward Paget in the office of commander-in-chief in India.†

* Letter to the Secretary to Government, 24th of June, 1825.

† The army assembled on this occasion was divided and brigaded as follows:—

Division of Cavalry, under Brigadier-General Sleigh, C.B.—1st brigade, his Majesty's 16th Lancers, the 6th, 8th, and 1st extra regiments Light Cavalry, Brigadier G. W. Murray, C.B., to command.—2nd brigade, his Majesty's 11th Dragoons, the 3rd, 4th, and 2nd extra regiments Light Cavalry, Brigadier M. Childers to command. First Division of Infantry, under Major-General T. Reynell, C.B., consisting of the 1st, 4th, and 5th brigades:—1st brigade, his Majesty's 14th Foot, the 23rd and 63rd Native Infantry, Brigadier-General J. McCoombe.—4th brigade,

On the 25th of November Sir Charles Metcalfe issued a proclamation denouncing the pretensions of Doorjun Saul, and declaring the intention of the British government to support the interests of the rightful prince. On the 5th of December Lord Combermere's head-quarters were at Muttra. On the 6th he had an interview with Sir Charles Metcalfe, and having ascertained that no political reason existed for delaying the movements of the troops, he ordered the second division of infantry, commanded by Major-General Nicolls, with the first brigade of cavalry and a detachment of Skinner's local horse, to march from Agra by Danagore to Bhurtpore, and to take up a position to the west of the town. The first division of infantry, under Major-General Reynell, with the second brigade of cavalry, and the remainder of Skinner's horse, marched by another route to take up a position on the north-east of the town. With this column the commander-in-chief proceeded. The approach of the British force

the 32nd, 41st, and 58th Native Infantry, Brigadier T. Whitehead.—5th brigade, the 6th, 18th, and 60th Native Infantry, Brigadier R. Patton, C.B. Second Division of Infantry, under Major-General J. Nicolls, C.B., consisting of 2nd, 3rd, and 6th brigades.—2nd brigade, his Majesty's 59th Foot, the 11th and 31st Native Infantry, Brigadier G. McGregor.—3rd brigade, the 33rd, 36th, and 37th Native Infantry, Brigadier-General J. W. Adams, C.B.—6th brigade, the 15th, 21st, and 35th Native Infantry, Brigadier-General W. T. Edwards. Artillery, under Brigadier A. M'Leod, C.B. Battering Train, under Brigadier Hetzler, C.B. Horse Artillery and Field Batteries, under Brigadier C. Brown. Engineers, under Brigadier T. Anburey, C.B. The field of artillery occupied a line of march of fourteen or fifteen miles in extent. The force exceeded twenty thousand in number.

CHAP. XXVI. drew forth several letters and deputations from Doorjun Saul, having in all probability no object but to gain time. Sir Charles Metcalfe did not allow them to interfere with the progress of the A.D. 1825. army, and on the 10th of December the head-quarters of the commander-in-chief were before Bhurtpore. Here his lordship's humanity was manifested by the transmission to Doorjun Saul of a proposal for the withdrawal of the women and children from the town, the British general promising them safe conduct through his camp, and allowing twenty-four hours for their departure. An evasive answer being returned, a second communication was made to Doorjun Saul, repeating the proposal and extending the time for embracing it twelve hours beyond the period fixed by the previous offer. This proposal was answered in a similar manner to that by which it had been preceded, and the benevolent purpose of Lord Combermere was thus defeated. Of the honour due to his humanity—an honour exceeding that which the most brilliant victory could have conferred—the brutal perverseness of the enemy could not deprive him.

Several days were occupied in the construction of works. During the progress of these operations a party of about two hundred of the enemy's horse attempted to make their escape; they were intercepted, thirty or forty killed, and upwards of a hundred made prisoners. On the 28th of December the advanced batteries opened. Others were brought into work as they were completed, and by the 4th

of January they had produced visible effect. Still they were insufficient effectually to breach the walls, and on the evening of the 6th a mine was commenced in the escarp of the ditch on the northern face; but unfortunately the work not being sufficiently advanced by daybreak, and the engineers apprehending discovery if their operations were continued, it was prematurely exploded, and produced no material effect. A second attempt to mine was made, but those employed in it were countermined from the interior before they had entered many feet. The gallery was subsequently blown in, it having been discovered that the enemy were keeping watch in it.

A serious accident occurred on the 8th; a shot from the fort set fire to a tumbril, and in consequence about twenty thousand pounds weight of ammunition was destroyed.

On the 14th a mine under one of the bastions was exploded with little advantage. Two others were then driven into the same wall, which were blown on the 16th, with such effect that, with the aid of a day's battering, a sufficient breach was made.

The morning of the 18th was fixed for the assault, which was to be made by two columns, the right commanded by Major-General Reynell, and the left by Major-General Nicolls. The signal was the explosion of a mine in the north-east angle, which took place at eight o'clock with terrible effect. Unfortunately, however, the explosion being in an unexpected direction, several men of General

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Reynell's column were killed, and three officers wounded.* This created a momentary hesitation, but General Reynell giving the word "forward," the whole advanced with perfect steadiness. The enemy made a vigorous resistance, but the British troops proceeded, overcoming all opposition, until they united at the Kombheer gate with the troops of General Nicolls's division. That division had advanced to the left breach, and carried it, although the ascent was excessively steep, and the troops in their progress were annoyed by the guns of the ramparts, which, whenever moveable, the enemy turned upon them. The citadel surrendered about four o'clock. Doorjun Saul attempted to escape with his family, but was intercepted and secured by General Sleigh, commanding the cavalry.

Thus terminated the attempt to interfere with the rightful order of succession in the state of Bhurtpore, and thus were annihilated the boasted pretensions to impregnability of the fortress bearing that name. Those pretensions had been greatly strengthened by the failure of Lord Lake in 1805. Twenty years afterwards, they, with the fortress itself, were levelled with the dust.† The defences

* The commander-in-chief was in great personal danger. An officer standing close beside him was knocked down, and several men were severely injured.

† The fall of Bhurtpore to Lord Combermere and its successful resistance to Lord Lake suggest matter for interesting investigation to the military student. The force at the disposal of Lord Combermere was almost overwhelming, but it must not be overlooked that the mode of opening the way for its operations was

that survived the siege were destroyed, and the place, which had been the watch-word of confidence

different in some respects from that formerly employed. The batteries employed in breaching having failed to produce the required effect, recourse was had to breaching by mines. The suggestion of this mode is claimed by Major-General Galloway, of the Bengal army (now a director of the East-India Company), who had, at the former siege of Bhurtpore, commanded the pioneers, a corps then performing the duties of sappers and miners, and who was known also as the writer of a work on the mud forts of India. The nature of General Galloway's claim, and the evidence upon which it is based, will be found in the following extract from a letter addressed by him in February, 1832, to the military secretary to the government of Bengal, in reference to a memorial referring to a point of military promotion.

"I have the honour of stating, that what I have submitted in my memorial has reference to myself as the author of a certain memoir, in which a plan of operations for the siege of Bhurtpore was, on the eve of the approaching siege, in December, 1825, laid by me before the commander-in-chief. This memoir contains a recommendation to breach by mines, and not by artillery: a mode of attack that had not before been adopted in this country, so far as I know; nor I believe, by our army, anywhere, in modern times. This is a point which it is necessary to keep in mind; for otherwise, since its effect has been seen at Bhurtpore, it is apt to appear as a matter-of-course operation, which no one could overlook. I recommended that mode of attack. It was not, at first, adopted: that mode of attack was ultimately had recourse to, and the place fell.

"In submitting the documents in question, it is necessary to explain the circumstances which gave rise to the recommendation to which I have adverted.

"When Lord Combermere arrived in India preparations were making for the siege of Bhurtpore. His lordship was naturally anxious to procure every information regarding it, and I was mentioned to his lordship as one from whom some knowledge of the place might be obtained. It was known that I commanded the

CHAP. XXVI. and hope throughout India, was reduced to the condition of a miserable ruin. With the fall of Bhurt-

pioneers at the former siege, in 1805; that I was the author of a work on Indian Fortification, with particular reference to that siege. Major Macan, on his lordship's staff, was the person who introduced me to Lord Combermere, having himself previously had some conversation with me on the subject of the approaching operations.

"At the interview with his lordship, I stated the reasons which induced me to think that, with proper measures, there would be no difficulty in taking the place, and, after a conversation of some length on the subject, and on the state of the provinces at the time, I took the opportunity of observing, that I hoped soon to see his lordship in possession of the fort, and I trusted it would be by force, as I believed that would be the speediest, the most effectual, and the cheapest way of tranquillizing the upper provinces. I understood, by his reply, that his lordship entertained the same opinion.

"With the exception of what passed at this interview, I was not required by the commander-in-chief to furnish any further information. Meantime I had seen, and heard of, various plans which had been submitted by individuals. It is proper to state, however, that I never saw any plan submitted by the engineer who afterwards commanded that corps at Bhurtpore. These plans induced me, on reflection, to think that my suggestions might not be altogether useless: at any rate, entertaining the opinion which I did of those plans, if any thing unfortunate took place, I should bitterly regret that I had not communicated what information I might possess. And I was led to believe that, considering the opportunity I formerly had of knowing the place, the people, and the kind of defence they were likely to make, combined with the experience I had had on such service there, as evinced by the work before alluded to—I was led to believe that, under such circumstances, the sentiments of the author of a work which had been favourably received, both at home and in this country, by the highest military authorities, might be communicated, at least, without giving offence to any one: and this

pore perished all expectation of successfully resisting the British government. The remaining for- CHAP. XXVI.

the more especially as no individual engineer was then nominated to conduct the siege.

"I had long before digested in my own mind the plan of attack; but without having committed the details to writing. There was no time to spare: verbally, therefore, the memoir was hastily drawn up, and with a plan of the fortress, previously in my possession, partly from a sketch I had taken in 1805, it was dispatched by dawk to Major Lockett, deputy military secretary to government, then with the army, who laid it before the commander-in-chief. It reached head-quarters on the 14th or 15th of December, just as the siege commenced. It was sent by Lord Combermere, to the commanding engineer for his opinion. This opinion was given in to the commander-in-chief, it appears, on the 19th; and the autograph remarks of that officer were transmitted to me by Major Lockett, in a letter dated 20th December, 1825, only three days before batteries were erected against the place; so that, I conclude, the plan of operations to be carried on must, by that time, have been formed.

"It was stated in one of the plans given in, to which I have before alluded, that the batteries for breaching, agreeably to the European system, should be placed on the crest of the glacis; and it is in allusion to this that, in my memoir, I have bestowed several paragraphs in dissuading from having the breaching batteries placed there.

"I mention these points because they will serve to explain the remarks of the commanding engineer, by whom they are referred to. Besides specifying what I believed to be the most desirable point of attack, and recommending that the attack should not be confined to a single breach, the memoir gives the operations in detail, of which the following is an outline. To establish numerous and powerful batteries, at the distance of three and four hundred yards, for the purpose, in the first place, of destroying the enemy's defences, to establish a line of fire beyond that, at the distance of one hundred and fifty or two hundred yards, consisting of cavalier batteries, cavalier trenches, for musketry and coehorns, in order to secure the command of

CHAP. XXVI. tresses within the dominions of Bhurtpore promptly surrendered, and the Rajah's authority was firmly as well as speedily re-established.

the ditch, and to silence any fire the enemy could produce on the ramparts, so as totally to subdue every impediment to the troops making themselves masters of the ditch; and eventually to cover, beyond the possibility of doubt, the advance of the columns to storm: so that, in the event of unforeseen obstacles enabling the garrison to offer a desperate resistance, those advanced works might command the breach even after the advance of the column to storm, and might enable it to persevere in, and repeat the assaults, almost without loss: and I quoted the siege of St. Sebastian, by Lord Lyndock, in support of my counsel. This commanding fire being established, if the walls could be rapidly breached and the ditch easily crossed, to employ the batteries in breaching, making several breaches, at least four, and immediately storming, with simultaneous attacks by escalade. But, if it was determined to work into the ditch, and so to allow the enemy time to fortify the breach, I entreated that they would on no account trust to breaching by means of batteries, but by mines, and storm instantaneously through the excavation of the mines. This earnest suggestion is seen; and it is twice noticed, and is distinctly met by the commanding engineer in the eleventh paragraph of his objections. It was deemed necessary to work into the ditch; but breaching by batteries was originally adopted, not by mines.

"Breaching by mines had not been used, so far as I know, in this country; the blowing in a counterscarp had; and this appears to have been part of the engineer's plan on the present occasion. But I have so often witnessed the disastrous consequences of the tedious operations of battering, that I could not hesitate to suggest, with the most earnest solicitude, that, under the circumstances stated, they would breach by mines, and not by battering; and I wrote as follows, repeating the earnest recommendation, as my last words, underlined, so that it might make and leave the stronger impression.

"'Having the power of erecting your batteries in breach on the crest of the glacis, which presupposes your being in command

The reduction of Bhurtpore was the most striking event that occurred during the administration of Earl Amherst, and it was the last of any import- CHAP. XXVI.

of the ditch, and consequently that the bottom of the rampart is accessible, I should conceive it the most injudicious of all measures to breach by means of artillery; for a breach effected by battering is gradually made, and may be, and will be, defended in many ways. The way to open a passage for the troops, in such a case, is not by breaching, but by mining; by blowing up the rampart, and all the preparations to defend it, together, and to storm the place through the excavation of the mine the moment it is sprung. This, indeed, could not fail to be successful; and therefore I would most earnestly recommend breaching by mines in preference to battering.'—Memoir by Colonel Galloway. 'For (it is added) the explosion of a mine not only destroys every thing within its influence, but its moral effect on those against whom it is sprung is so appalling, that they must be overpowered before they can recover from their panic.' And again, the last words of the Memoir:—'These batteries would probably, in two days, destroy the enemy's defences, &c.; but if it be necessary to work into the ditch, and thus indicate the point of attack so long before the assault, then let the breaches in the place be by all means made by mines and not by battering.'

"This memoir, as before stated, was sent by the commander-in-chief to the commanding-engineer, and the remarks of that officer were transmitted to me by Major Lockett, with a letter, dated 'Camp before Bhurtpore, 20th December, 1825,' in which he states, 'I submitted your plan and memoir to the commander-in-chief, who sent it, officially I believe, to the chief engineer for his opinion; and I now send you this opinion in a report which he sent in yesterday.' 'Your plan will not do,' &c.

"Thus my plan of attack appeared to me wholly rejected; and certainly the report itself did not remove that impression. That report commences by stating that the writer 'differed most widely from me.' Mining, however, is the point under discussion; and on that subject, in his remarks on my proposition to breach by mines, the commanding engineer observes, 'whether a breach is made practicable by mine, or breaching battery, is of

CHAP. XXVI. ance. The Rajah of Colapore, a Mahratta prince of profligate character, became involved in disputes

little moment,' &c. 'Every enemy may be supposed to be aware of the efficacy of a breach being mined ; and it may consequently, by the assailants, be dreaded, although it cannot be guarded against.' I was not of this opinion. I conceived it could be 'guarded against,' but certainly not by a battered breach ; and it was expressly to 'guard against' such, and a variety of other modes of desperately defending a breach, protractedly formed, that I so earnestly entreated the commander-in-chief that he would not breach by battering, but by mines ! But how it is possible to reconcile the above with the previous intention of breaching by mines, I cannot conceive. But, farther, the commanding engineer states as follows :—'When it can be done, no one can doubt that a breach made by a mine is preferable to the tedious operation of effecting it by breaching batteries. But many contingencies attend the former method which cannot always be foreseen or guarded against ; however, both attempts might be tried.'

"At this period I conceive the mode of attack must have been fixed upon, for on the 23rd December the works were commenced ; and on the same day, Lord Combermere in his despatch says, that 'he hoped to-morrow to be enabled to forward a plan of the intended works,' so that on the 19th, when this paper was given in, it must either have been determined to breach by mining or not. But it is now a matter of history that it was not. I could not conceive, indeed, that such paragraphs as the above would have been written if breaching by mines had been previously contemplated. The impossibility of 'guarding against' the enemy's defensive mines in the breach would not have been admitted, if it had then been intended to breach by mines ! So also objections might have been started ; but, after stating them, it would not have been added, 'however, both attempts might be tried :' words which, I conceive, demonstrate the absence of all previous contemplation of adopting such a plan. Had breaching by mines been the original plan, the engineer, I imagined, would have distinctly said, we intended breaching by mines, and always did so. But then this would have been utterly inconsistent

with the government of Bombay during the year 1826; but the march of a military force under CHAP. XXVI.

with admitting that the breach, being mined by the enemy, 'might be dreaded,' but 'could not be guarded against!!'

"But, if breaching by mines was part of the original plan, how was it that a different mode of breaching was first tried, long continued, the place expected to be stormed, before breaching by mines was had recourse to; and, after all, battering discarded and mining employed? This appeared to demonstrate, beyond all doubt, that breaching by mines was not any part of the original plan. On the contrary, what that plan was to be, seemed to me obvious from the whole tenour of the engineer's remarks. When, indeed, I contrasted what is said as to mining with the following paragraphs, wholly, as I have conceived, contemplating a battered breach, I could not but suppose that a preference was given to battering, and that my proposition was not approved of.

"'It is generally received as an axiom, that the defences being destroyed, the fire of the assailants is so concentrated as to ensure a commanding and superior fire over the enemy, should he crown the crest of the breach in any way after the flanking defences are subdued, and there is little to be apprehended against the success of a storm if the breach is completely practicable, and the flanking defences silenced.' And again: 'nothing more need be added on the subject of the ulterior operations, since, if the defences have been completely and properly demolished, and the breach wide enough, and withal practicable, nothing but a superior or overwhelming force and body within the place can avert success.' And again, to meet my appeal to the siege of St. Sebastian, where Lord Lyndock's men were beat out of a battered breach, till he turned his guns upon it over their heads, the engineer observes, 'Lord Lyndoch at St. Sebastian did only what always is done to well clear the breach before the column makes the rush: for, after its progress to the summit, nothing more can be done for them from without.'—Para. 14th. And again: 'the nature of the native ramparts does not afford much room for retrenchments, which is perhaps the only obstacle, excepting a stockade on the immediate crest of the breach, that can be presented; and throwing up works on the level or terreplain of the place attacked

CHAP. XXVI. Colonel Welsh brought him to submission without the necessity of firing a gun. It remains, therefore,

would be completely commanded from the top of the breach by the advancing column.'

"The whole tenour of the report, indeed, appeared to me to indicate the plan of attack which was preferred, namely, breaching by batteries and not by mines. But if any doubt could have remained, Lord Combermere's despatch of the 5th January would have entirely removed that doubt. In his despatch of the 2nd, his lordship reports, that by the 1st January the sap towards the counterscarp was extended fifty yards; 'and from thence the gallery for a mine was commenced,' to blow in the counterscarp, as an opening into the ditch, as above stated, was originally designed. This was a common procedure; and I beg it to be carefully noted and distinguished from breaching by mines. For breaching, it will be immediately seen that artillery was entirely relied on. On the 5th his lordship says, 'Since my despatch of the 2nd, the artillery have been actively employed in breaching the curtains:' 'owing, however, to the extreme roughness of the walls, they have with difficulty been made to yield to our shot; but I trust that in three or four days, at farthest, every thing will be prepared for our storming the town. The engineers have been employed in driving the gallery of the mine (that is to blow in the counterscarp), extending the sap in the front of our left batteries, and in executing the necessary repairs to the batteries, also in constructing a small battery in front of the Jungeena gate, to destroy the defences on our right.'

"Here the original plan of attack appears to be developed, from which success was anticipated 'in three or four days.' It will be seen to rely entirely on the breaching batteries for making a breach, to which the approach was to be by sap, and by blowing in the counterscarp of the ditch, in conformity with the opinion expressed in the remarks. But when this was followed by the fact of the breaching batteries continuing to batter in breach for so many, I believe nine days; when, after that, it was determined not to storm the place till breaching by mines was had recourse to; when, after persevering for so long a time in breaching by batteries, a despatch arrived from the commander-in-chief, dated

only to notice such treaties and diplomatic arrangements concluded during the government of Earl CHAP. XXVI.

the 11th January, in which Lord Combermere states, 'that he had been induced to delay the assault, waiting the result of mines,' and 'that it had been ascertained that the batteries were not sufficient effectually to breach the walls;' I could come to no other conclusion than this, that my original proposition had now actually been 'tried,' as the engineer said 'it might be tried.'

"At this time rumours appear to have prevailed, that the enemy had mined the breach and had formed retrenchments, so as to cut it off, with strong batteries inside to rake its crest. How far these influenced the commander-in-chief in departing from the original design it is not in my power to say. It was what might have been looked for, what was contemplated by me, and is referred to by the commanding engineer, as before quoted.

"Lord Combermere's despatch contains the following paragraph, dated 11th January, 1826:—'I have delayed some days in addressing your lordship, in the hope that I should have been able to report the result of an assault of Bhurtpore. The breaches, however, have not yet been rendered practicable.'

"'Brigadier Anburey having represented to me that it was his decided opinion that the breach was not sufficiently easy to authorize his reporting it practicable, I was induced to delay the assault, waiting the result of two mines he is now driving into the curtain from the sap and under the ditch. Much as I must regret this unexpected delay, I feel a consolation in the hope that the place will eventually be stormed with comparative facility to the troops.'

"Again his lordship wrote on the 19th January, in reporting the capture of the place:—'Since my despatch of the 11th instant, the whole attention of the engineers has been directed towards the completion of the mines under the projecting bastion on the left, and the north-east angle on the right, &c. &c.' This indicated expressly, as I conceived, the change that had taken place in the mode of attack. And this I considered to be confirmed not only by this declaration to myself, but by the words

CHAP. XXVI. Amherst as have not already been adverted to, and which may appear to deserve mention.

he is, in the prints of the day, reported to have used on a public occasion to others, namely, 'nor would he have thought of altering the plan of his attack, and of calling in the aid of another arm (mining), but for the more speedy and sure accomplishment of the desired end.'—Complimentary Address to the Officers of Artillery at Dum Dum, 18th January, 1827. And I beg to repeat, and now further to explain, that when his lordship returned to the presidency from Bhurtpore, he landed from his boats near my house, and was received by me. On that occasion his first address to me was, as stated in my Memorial, denominating the plan of mining to be mine, and describing it as the surest and the best that could have been adopted. I had the honour of conveying his lordship to the residence of the governor-general at Barrackpore, during which time the conversation to the same purport was continued. On reaching Barrackpore, his lordship was received by Captain Amherst and by Major Macan, of his own staff, to whom I repeated the acknowledgment which Lord Combermere had made to me, because Major Macan was the officer by whom I was originally introduced to Lord Combermere, as before mentioned.

"I have thus shewn the principal grounds, both written and oral, on which I have uniformly claimed the merit, whatever it may be, of being, in the way above described, instrumental in the capture of Bhurtpore. Not that I maintain that the capture of that important fortress might not or would not have been otherwise effected, but the circumstances must speak for themselves.

"The word of the commander-in-chief would alone have justified my pretensions, were the written documents of themselves not more than sufficient to do so; but when combined with the written documents above detailed, I am at a loss to conceive how any evidence could be more conclusive. Nor is this all. I will farther shew, as far as such a document can do, that Lord Combermere continued to acknowledge the services I have thus performed. In an address to government, whilst Lord Combermere was present in Calcutta, and in council (a petition to which

In 1824, Malacca, Singapore, and the Dutch possessions on the continent of India, were ceded CHAP. XXVI.

I had specially requested his lordship's attention), I particularly alluded to the above declaration, stating 'that his lordship had enabled me with confidence to believe that my humble endeavours to contribute to that important event were not altogether ineffectual.'

"I have thus, I presume, shewn by documentary evidence—

"1st. That I did most earnestly recommend breaching by mines, when it was not contemplated by the engineer to adopt that mode of breaching.

"2ndly. That that mode of breaching was not the mode originally adopted.

"3rdly. That the mode of breaching originally adopted was altered, and recourse had to breaching by mines, after battering had been long continued, as above detailed, and when the breach was not reported practicable; and that the place fell in a few days thereafter, having been stormed over the excavation of the principal mine the instant it was sprung.

"In addition to the above, I have quoted the direct acknowledgment of the commander-in-chief, in which his lordship ascribes the adoption of this mode of attack to me, and this acknowledgment I have supported by the written testimony of a public address to government, in which, founded on such acknowledgment, I have claimed the merit of contributing to his lordship's success: a species of claim which, if considered at all doubtful, I confidently submit, could neither have been made by me nor received by the government, of which his lordship was at the time a member, and present in council.

"To this I have to add a portion of an address to Lord Amherst, governor-general, dated 11th February, 1828, in which the same claim is advanced, and Lord Combermere's acknowledgment adduced in support of it.

"These are the grounds on which I nave invariably considered myself to have been the acknowledged originator of the plan of breaching by mines, by which the capture of Bhurtpore was achieved with much splendour, and with small loss to our brave army. Into the question, whether it would otherwise

CHAP. XXVI. by the King of the Netherlands, in exchange for the British settlement of Bencoolen in Sumatra.

have fallen with equal success, I do not enter. I have stated the facts; and I leave them in the hands of higher authority to decide. The point at issue seems plain. I either did, or did not, recommend this mode of attack. If I did not, then there is an end of my claim. But this is impossible to be maintained, for the engineer himself has proved all that I desire. He has shewn what he himself understood by my recommendation to breach by mines, for he has met it in the clearest and fullest sense."

In a memorandum attached to a printed copy of the papers on the subject, General Galloway observes—

"As to the plan itself, it has, I believe, been mooted, that it was obvious and known to all engineers. I did not profess to be the author of breaching by mines at sieges. The question here is, as to its application at this particular siege. But the plan was well known! For what was it well known? As a good or a bad plan? As better or worse than the one first adopted? But I would ask, if a man differing from the practice of my physician save my life by advising a particular mode of treatment, am I the less indebted to him, because that mode which is had recourse to may be a well-known remedy for the disease?

"Again, as to the plan being obvious. This is an assumption. After seeing the success of a measure, it will not do to say it was obvious. When a custom has long prevailed, nothing is obvious which departs from that custom. Nothing out of the usual track is obvious beforehand. Very able men do not always see things which afterwards appear very obvious. What can now be conceived more obvious, more obviously blameable, than the mode of attack formerly pursued by our ablest engineers against those forts, with two or three or half-a-dozen of guns, and little *materiel* for a siege? and yet I was myself the first person to bring the imperfect system to notice and amendment. But, in the present case, how was my plan obvious? On the contrary, we see that even after it was pointed out, and its adoption urged in the most earnest manner, its advantages were disputed; it was rejected by the engineer, and his own plan followed, till, as Lord

The situation of Singapore rendered it capable of becoming a place of great commercial importance; but it was little better than a continuous forest vexed by the claims of two Malay princes, one of them nominally a vassal of the other, but, in conformity with Eastern fashion, exercising the actual rights of sovereignty. The English had established a factory there some years before the cession, but their position was undefined and uncertain; and though attempts had been made to fix the relations of the strangers with the native princes, they were in constant danger of coming into collision with them as well as with the government of the King of the Netherlands. When the pretensions of that government were transferred, it was deemed fitting to determine, with greater precision than before, the terms upon which the British government was to stand in regard to the native princes, known as the Sultan and Tumongong of Jahore.

The best mode, if practicable, was to get rid of the claims of these personages by a commutation of their political and territorial claim for pecuniary allowances, and this was effected. By a treaty concluded between them and the East-India Company, on the 2nd August, 1824, it was provided not only

Combermere observed, 'they had recourse to my plan;' a plan which, it appears certain, Lord Combermere never lost sight of; not only because, the moment he saw me after the siege, he immediately acknowledged its origin and its value, but because in his despatches, 11th January, 1826, his lordship states, that he relies upon it as the means of more easy conquest, and of preserving the invaluable lives of his army."

CHAP. XXVI. that "peace, friendship, and good understanding shall subsist for ever between the Honourable the East-India Company and" the two princes, their heirs and successors, but also for the cession by the princes to the Company of the island of Singapore, together with the adjacent sea straits and islets, for a specified extent, "in full sovereignty and property." By other articles of the treaty, the surrender was to be remunerated by liberal pecuniary provision, but which provision, contrary to ordinary practice, was to cease with the lives of the existing princes. In the event of the princes or their successors choosing to quit Singapore for a residence elsewhere, other payments were to be made in consideration of their immovable property, which was thereupon to devolve to the Company. While continuing to reside at Singapore and drawing their stipends, the princes were not to enter into any alliance or correspondence with other states without the knowledge and consent of the Company; and in the event of their departure, they were, in case of distress, to receive personal asylum and protection. Neither party was to interfere with the personal concerns of the other; both were to use their efforts to suppress robbery and piracy. Unshackled trade was to be maintained in the remaining dominions of the Sultan and Tumongong of Jahore, and the British were to be admitted to trade there on the terms of the most favoured nations. The Company were not to harbour persons deserting from the service of the princes, such persons being natives of those parts of their dominions

which they still retained; and, finally, all conventions and agreements previously subsisting between the contending parties were to be considered as abrogated, with the exception of such parts as might have conferred on the East-India Company any right to the occupation and possession of the island of Singapore and its dependencies.

With the King of Oude a treaty was concluded in 1825, the objects of which were the recognition of a loan of one crore of rupees, advanced by that prince to the Company in perpetuity, and the assignment of the interest thereon to various parties.

The relations of the British government with Nagpore were fixed by a treaty concluded in December, 1826, by Mr. Jenkins. By this instrument the effect of the treaty with Appa Sahib, concluded on the 27th of May, 1816, was renewed so far as might be consistent with the new engagement. By the remaining articles, the Rajah renounced all dependence upon the Rajah of Sattara, and all connection with that prince, or with any other Mahratta power, and agreed to relinquish all ceremonies and observances referring to the place which his predecessors held in the Mahratta confederacy; he was to hold no communication with foreign powers, except through the Company's resident; the British government was to have the power of determining what number of troops were required for the protection of the Rajah's territories and the maintenance of tranquillity therein, and of stationing them where their presence might be deemed neces-

CHAP. XXVI. sary. The Rajah renounced all claims to the territories ceded to the Company by Appa Sahib, and the Company guaranteed the remainder to the Rajah; provision was made for exchange of portions of territory, if found desirable, and for securing to the Company's officers the exclusive management of the territories ceded by the treaty, or which might be ceded under the provision for exchange. The British government, it was declared, had undertaken, "during the Rajah's minority, the settlement and management of the whole of the territory reserved to his highness, and the general direction of his officers in his highness's name and on his behalf;" but the nonage of the prince, "according to Hindoo law and usage, being now expired, the powers of government and the administration of his dominions," subject to certain specified conditions and exceptions, were "declared to be vested in the Rajah." Some succeeding articles having been modified by a later engagement, it will be unnecessary to refer to them here. By the article which followed them, the memorable hill of Seetabuldee and that adjacent were annexed to the British residency. By other articles the British government was empowered to garrison and occupy such forts and strong places as they might determine, and the Rajah was bound to furnish certain stores and other assistance to the Company's government. Thus Mr. Jenkins, who had successfully counteracted the machinations of Appa Sahib and supported the authority of the British government—who had placed

the youthful Rajah on the musnud, and carefully administered the affairs of his dominions till the prince was of fitting age to assume the authority of his station, had the gratification of completing the work, which owed its success to his courage and prudence.

The administration of Earl Amherst presents nothing further which calls for report. Towards its close, his lordship made a tour to the Upper Provinces, and in March, 1828, he quitted India, leaving Mr. Butterworth Bayley in the discharge of the duties of governor-general.

CHAPTER XXVII.

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The difficulty of perfectly understanding the motives by which men are actuated, and on many occasions of reconciling them with reasonable expectation, is a subject too trite to justify any lengthened discussion. Lord William Bentinck had been removed from the government of Fort St. George under circumstances calculated, it might be supposed, to discourage any wish on the part of his lordship to revive the connection between himself and the East-India Company. It is true that, in dismissing his lordship from their service, the Court of Directors had expressed a hope that his "valuable qualities and honourable character might be employed, as they deserved, for the benefit of his country;" but this compliment could only be regarded as indicating a desire to avoid giving unnecessary pain to, and soften the mortification of recal, by mixing with the act somewhat of grace and kindness.

The hope, however, had been realized. The high connections of Lord William Bentinck had saved him from the tædium of idleness, and pro-

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cured for him in Europe employment suitable to his rank and profession. But with this his lordship was not satisfied: he yearned for a return to the scene of his former disappointment, and on the vacancy created by Mr. Canning's sudden relinquishment of the office of governor-general, in which he had just been appointed to succeed the Marquis of Hastings, Lord William Bentinck took the unusual step of offering himself as a candidate. Such a proceeding can scarcely be justified under any circumstances. Were it either common or in ordinary cases excusable, it might have been supposed that, situated as was Lord William Bentinck, an ordinary measure of self-respect would have rendered it impossible for him to make the application. He had been removed from the government of Fort St. George because his conduct was disapproved at home. If this severe step were just, the object of his lordship's application was to obtain the appointment to the highest office in India of a person whose only claim to the honour rested on previous misconduct in a subordinate office. If it were unjust, his lordship condescended to solicit a valuable favour from those at whose hands he had already received injuries; and whether, in fact, the recal were unjust or not, there can be little doubt that it was regarded as unjust by his lordship. But whatever his views, or whatever might be the opinion formed by others on the subject of his recal, his application for the office of governor-general cannot

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be reconciled with propriety or dignity. It met at the time with the success which it deserved. His lordship's appeal was disregarded, and the vacancy, as has been seen, was filled up by the appointment of Lord Amherst. On the retirement of that nobleman, Lord William Bentinck was more fortunate, and his lordship's restless hankering for oriental power was gratified. He was sworn into the office of governor-general in July, 1827; but before his departure from England, the death of Mr. Canning gave to the administration, under whose advice the appointment had been approved by the Crown, a blow which it was not destined to recover. It was kept together for a short time by Lord Goderich, who succeeded to the chief place in it, but yielded with little resistance to the party which, on Mr. Canning being selected as the head of the ministry, had declined to act under a chief whose opinions were favourable to Catholic emancipation. Lord William Bentinck had not sailed when this last change took place, and he waited to ascertain its effect. Had the new ministers acted in the spirit of some who had gone before, and of some who followed them, his lordship would have experienced a second disappointment. They did not, however, advise the sovereign to exercise his revoking power, and in February, 1828, Lord William Bentinck departed to take possession of the office which he so ardently coveted. His administration was distinguished more by civil and fiscal changes than by

events of stirring character. The former will be noticed hereafter, precedence being given in this, as in other instances, to the latter class of occurrences.

Among those which demand early notice are the disturbances in Baraset. These originated in the fiery zeal of a person of humble position in society, named Meer Niser Alee, but better known by the name of Tittoo Meer. This man was a disciple of Syed Ahmed, a Mahometan reformer, who had been the cause of considerable annoyance to the Seik government. The movement raised by Syed Ahmed was alleged to be directed against the corruptions which, in the course of years, Mahometanism had acquired, principally from the residence of its professors among people holding a different creed; and the attempts of the chief reformer and his disciples to extend the influence of their opinions had been attended by considerable success. In Calcutta and its neighbourhood they made many converts, and treatises explaining and enforcing their doctrines had been published there in the Persian and Hindoostanee languages.

The rigidity of the doctrines of the reformers, however, was disagreeable to the mass of their fellow-believers, who found some of their most popular religious observances denounced as superstitious, idolatrous, and inconsistent with the purity of Mahometanism as it was delivered by the prophet. Among these were the ceremonies performed at stated periods after the death of relations, and the

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honours and offerings bestowed on the tombs of the saints. But while the reformers thus manifested their zeal against superstitions alien to the spirit of Mahometanism, they, with an inconsistency not uncommon, adopted a practice clearly borrowed, like the practices which they condemned, from the people among whom the lot of these restorers of the ancient fabric of the faith had been cast. They carried their assumption of superior sanctity to the degree of refusing to eat with any but members of their own sect; and the exclusion was so strictly maintained as to lead to the separation of even the nearest relations. They seem to have been regardless of giving offence, to have been careless of consequences, and to have imbibed at least so much of the original spirit of Mahometanism as freed them from all repugnance to the use of violence when it could be employed in propagating the faith. They were met by their opponents in a corresponding spirit, and some zemindars unfortunately were led to exercise their authority in hostility to the new opinions. These zemindars, being Hindoos, had little sympathy with the reformers. They were habitually averse to change of any kind; their feelings on this account were against the new sect, and the more strongly, because its members were far more bitter and uncompromising enemies of Hindooism, than those Mahometans who were content to yield to their prophet such a measure of obedience only as was ordinarily current. Another motive for the interference of the Hindoo zemin-

dars has been suggested in their desire to derive a profit from the controversy, the most obvious method of gratifying it being the infliction of fines on the parties complained against. In an exaction of this kind did the general disturbance originate. A zemindar had inflicted petty fines on several persons, some of whom paid the amount while others resisted. Some servants of the zemindar were dispatched to enforce payment from the obdurate, but without success. Not only was the required payment refused, but the persons sent to demand it were beaten, and one of their number forcibly detained. The zemindar came down with a greater force, and a petty disturbance ensued, in the course of which a thatched building used as a mosque caught fire and was consumed. The police were now called in, and ultimately the case was brought before the magistrate's court. By this time, the ferment had greatly increased. The fine levied by the zemindars was ordinarily spoken of as a tax on the beard, it being a point of conscience with the reforming Mahometans to cultivate that ornament of their persons with extraordinary care; and the name added greatly to the previous unpopularity of the exaction.

In the magistrate's court, charges and counter-charges were made, and positive testimony on one side was met by contradictory testimony equally positive on the other. None of the parties were subjected to punishment, but some of the Mahometans were bound over to keep the peace. This partial success seems to have encouraged the zemindars

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to indulge in further vexatious proceedings. A suit instituted in the zillah court of the Twenty-four Pergunnahs by one of the zemindars against some of the reformed Mahometans was alleged to have a fraudulent origin, and it was further stated that the defendants were forcibly carried to the zemindar's house, where by maltreatment they were compelled to pay a part of the demand upon them, and to give security for the remainder. In the meantime preparations had been made by the Mahometans for presenting an appeal against the decree of the magistrate in the case of the affray. From some cause never explained, this design was abandoned, and the persecuted sect adopted the resolution of seeking redress by force. They assembled in large numbers and proclaimed their hatred of Hindooism by an ostentatious slaughter of cows, sprinkling the blood on the Hindoo temples, and committing other acts of the like character. In the first outbreak not only was a cow immolated, but a Brahmin wounded—a double source of scandal to the Hindoos. In a subsequent affray several of the holy order suffered from wounds, and one so severely as to cause his death. A European magistrate immediately repaired to the scene of riot with a detachment of local troops, in the hope that his presence thus supported would restore order; but he was disappointed. His authority was defied, his troops resisted and beaten off, several of them killed, others dangerously wounded, and it was not without difficulty that the magistrate escaped unharmed. The magistrate of an adjoining district, on hearing

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of the disturbances, advanced with such force as he could command, to aid the cause of peace. On learning the result of his brother-magistrate's attempt, he determined to wait till he could form a junction with him; but this intention was frustrated by false information, which led him into the midst of the insurgents at a moment when no additional assistance could be obtained, and when his own party, alarmed by the prospect before them, were gradually deserting him. Finding it hopeless to contend, he retired, but not without loss, several of his party being killed. He immediately applied to the commanding officer at Barrackpore for a force to protect the country, and a regiment was dispatched for the purpose without delay. Previously to this, the authorities at Calcutta, on learning the state of affairs, had directed the march from that place of a regiment with two guns and a small party of cavalry. Though miserably armed—clubs in many instances supplying the place of more formidable weapons—the insurgents drew up in position for resistance, and received the troops with shouts of defiance; but a few discharges from the guns shook their confidence, and they took refuge in a bamboo stockade which they had erected. Thither they were pursued, and it is scarcely necessary to add, that their defeat and dispersion were almost immediate. About fifty were killed and three hundred and fifty made prisoners. Thus terminated the affair in November, 1831. A.D. 1831.

The disturbances were restricted to Baraset:

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their occurrence was accidental—they were speedily suppressed, and after their suppression the country returned at once to its former state of quietness. Except for the instruction afforded by such events, the outbreak would have no claim to notice in a general history of the British Empire in India. But no opportunity for recalling attention to the situation of the British government in that country should be lost, and the disturbances in Baraset afford one. Two sets of Mahometans engage in disputes on the comparative soundness and purity of their belief and practice. Some disciples of another creed, possessing local influence and authority, exercise an offensive and, as it should seem, an illegal interference. An affray takes place, the consequences of which are a general rising of one set of the Mahometan disputants, a general disruption of the public peace, and the loss of many lives. Such events are not of frequent occurrence in India, but the elements out of which they may arise are always in a state of preparation. The majority of the people are, as to religion, divided into two great parties, each subdivided into smaller sections, the members of which, differing widely in many respects, agree in clinging each to his favourite opinions in a spirit of the blindest and most devoted bigotry. With one of the great divisions, intolerance is a part of their creed, and the slightest cause of excitement may, without a moment's notice, give rise to an ebullition of wild and murderous fanaticism. The danger is increased by the necessity which exists for vesting

at least some degree of authority in native hands, where it is almost certain to be exceeded and abused. The duty of an European and Christian government, under such circumstances, is difficult, but it is obvious. Such a government, while cautiously abstaining from giving approval or encouragement to any form of false religion, should not only maintain and administer even-handed justice among all its subjects, whatever their creed, but it should be careful to make it apparent that such is the fact. It should enter into no disputes between rival parties, nor between rival sections of parties; but it should compel all to respect the rights of their fellow-subjects and the peace of society.

Interference beyond this, were it not forbidden by higher motives, is at variance with sound policy. Those in whose favour it should be exercised would not be grateful. The native character is by no means deficient in shrewdness, and the exhibition by a Christian government of a preference for either of the creeds of India would be regarded, even by the votaries of the favoured system, with suspicion, perhaps with contempt; while, to the opposite party, such preference, if frequently exercised, or long persisted in, would be the prelude to revolt. The British government in India must know its subjects only as members of the great family of human nature, and of the civil community over which that government has been called to exercise sway. It cannot destroy the wide-spread elements of danger from religious fermentation, but it must be careful to render them

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harmless by maintaining impartiality, and resorting to its coercing powers only when necessary to avert public mischief or private wrong. Such is the just and proper course of action; and though to pursue it will require much prudence and some resolution, there is happily little temptation (excepting that arising from the seducing influence of the love of ease) to abandon it. No European can be supposed to entertain a predilection for any of the modifications of superstitious error which prevail in India. Such predilection is scarcely compatible with the existence of sound mind.*

But whatever be the intentions of government, whatever the anxiety of its servants to perform their duty, it should never be forgotten that there exist formidable impediments to justice in the propensity of native agents to turn to their own advantage the power with which they are intrusted, and in the difficulty, almost invariable and sometimes altogether insurmountable, of correctly ascertaining facts. These obstacles are noticed in the following manner in the report of Mr. J. R. Colvin, an officer deputed by the government to inquire specially into the disturbances in Baraset:—"The entire root of the mischief which has occurred lies deep and cannot easily be removed. The powers possessed by zemindars enable them to exercise a

* Unhappily there have been a few instances in which private individuals have become enamoured of the superstitions which they found prevailing in India, but probably inquiry would lead to the conclusion that the existence of such cases does not invalidate the position laid down in the text.

petty jurisdiction among their ryots, and to make petty exactions on all kinds of pretences. The corrupt character of the people and the defects of our own instruments pervert our administration of justice, and render it a matter of the greatest uncertainty whether we shall arrive at the truth or not, in all cases in which men of wealth or influence will be injured by its detection; and our confined intercourse with the people, and consequent ignorance of many of their feelings and circumstances, allow false representations to be frequently imposed on us with the utmost boldness, and but slight risk of discovery." Similar testimony is borne by nearly all whose experience qualifies them to be heard on the subject,* and in estimating the difficulty of maintaining good government in India, the necessity for European superintendence in every department, and the inaptitude of the native instru-

* Complaints of the like nature have constantly been put forward by the most zealous and intelligent servants of the East-India Company. This may be seen by reference to the evidence on the subject submitted to parliament on different occasions. The Fifth Report of the Select Committee of the House of Commons, 1812, contains the following statement, addressed in 1803 to the Register of the Nizamut Adawlut at Calcutta, by H. Strachey, Esq., Judge of Circuit:—"In the course of trials, the guilty very often, according to the best of my observation, escape conviction. * * * * Very frequently the witnesses on the part of the prosecution swear to facts in themselves utterly incredible, for the purpose of fully convicting the accused, when, if they had simply stated what they saw and knew, their testimony would have been sufficient; they frequently, under an idea that the proof may be thought defective by those who judge according to the Regulations, and that the accused will escape and wreak their vengeance upon the witnesses who appear against them, exag-

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ments to whom the subordinate duties of administration must unavoidably be entrusted, ought never to be forgotten.

gerate the facts in such a manner that their credit is utterly destroyed. * * * * I have no doubt that, previously to their examination as witnesses, they frequently compare notes together, and consult upon the best mode of making their story appear probable to the gentleman whose wisdom it cannot be expected should be satisfied with an artless tale. * * * * Prosecutions are often instigated or carried on by the agency of persons at enmity or in rivalship with the culprits; this is frequently the case when the accused are village chokeedars [watchmen], yet most of the decoits [gang robbers] in some zillahs are these chokeedars, and few dare appear against them but those who are of the same description with themselves. * * * * The calendars, the darogahs [superintendent of police] reports the evidence on every trial, and the information of all convince us that innumerable robberies and murders, that atrocities of the worst conceivable kind, are committed, and that very often the perpetrators are before us; yet do we find ourselves, from causes of the nature above described, constrained to let them loose again to prey on society, or at the utmost to direct that they be discharged on giving security for their good behaviour: and this giving of security, it may be observed, is no pledge whatever of future good behaviour, since whoever has a few rupees, whether a man of the best or worst character, can procure security; and whoever has nothing, can seldom or never procure it." Another judge of circuit, E. Strachey, Esq., writing, in 1808, says, "With respect to myself, I must candidly confess, that every day's experience and reflection on the nature of our courts, and on the minds and manners of the natives, as far as I can see, serve to increase my doubts about our capacity to discover truth among them. It appears to me that there is a very great deal of perjury of many different shades in our judicial proceedings; and that many common rules of evidence here would be inapplicable and absurd. Even the honest men, as well as the rogues, are perjured. The most simple and the most cunning alike make assertions that are incredible, or that are certainly false. If the prosecutor in cases of decoity [gang robbery] were to be disbelieved in

It will be recollected that in the treaty with Siam, concluded under Lord Amherst's government, the pos- CHAP. XXVII.

all cases because there was perjury, scarce a decoit would be convicted. * * * * Some come to give false evidence in favour of a friend or a master; some to ruin an enemy; and the signs of the different modes that disguise truth are so very equivocal and often so unintelligible, that nothing can be depended on. There is not one witness in a dozen on whom you can implicitly rely for a purely true story. It has very often happened that a story which, by attending only to the plain, direct course of things, I believed to be true, has, by examining into matters apparently connected in a very distant degree with the case, turned out to be entirely false. I am afraid that the evidence of witnesses in our courts is for the most part an instrument in the hands of men, and not an independent, untouched source of truth."

In the fifth report, above referred to, is to be found, also, some illustration of the mode in which the functions of the police are rendered accessary to injustice and violence. E. Watson, Esq., assistant judge of circuit, thus writes in 1810:—"It would be endless entering into a detail of the different modes in which confessions are fabricated and proved. The usual course appears to be, first to apprehend as many people as caprice may dictate, and then to select from the number those individuals who are to confess, and determine on the purport of their confessions. The preliminaries being thus arranged, the victims are made over to the subordinate agents or instruments of police, to be dealt with according to circumstances, and the rest are discharged. It sometimes happens that they meet with a man whom they are able to deceive by assurances of immediate pardon, and false promises of future favour and indulgence; in such cases he is usually told that by signing a paper prepared by the buckshee [commander] for that purpose, or repeating before witnesses what he is instructed to say, he will not only escape hanging, or, at least, perpetual imprisonment, but become one of the chosen of the police, and make his fortune as a goyendah [informer]; that all he has to do is to pretend that he was concerned in the decoity, and say that the gang was composed of particular individuals, who are named to him, and leave the rest

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session of Queda was secured to the Siamese.* This country, situate on the western coast of Malacca, be-

to the darogah; that there can be no harm in this, because all the world knows that they are the real decoits; and, in short, the alternative is offered him, either of making a friend or an enemy of the police—either of suffering an ignominious death through their power, or of raising himself to a post of honourable ambition and profit by their favour. By these and similar artifices they catch a dupe who suffers for his credulity; but when these means fail, which they generally do, they have recourse to compulsion. In this event the prisoners are taken out singly at night, and subjected to every species of maltreatment till they consent to subscribe before witnesses the contents of a confession drawn up for their signature by the buckshee, or to learn it by heart and repeat it in their presence. When the prisoner is thus prepared, if there appear no danger of his retracting before morning, he is left at peace for a few hours; but if any thing of that sort is entertained, a burkundaaz [armed messenger] is sent for three or four people of the village to witness the confession instantly, and they are aroused from their sleep at all hours of the night for that purpose. It is to be observed, however, that the sending for impartial witnesses does not often occur, except where the darogah has not sufficient weight or talent to keep his place, and at the same time set appearances at defiance. A darogah who is sure of his post will, with the utmost impudence, send in a confession witnessed only by a few pykes [night watchmen] or other police dependents, who were perhaps the very instruments by whose means it was extorted. Sometimes a broken pot, an old rag, or some other article of little or no value belonging to the person robbed, is procured by a goyendah, or other inferior agent of police, and deposited in a half-dry tank or ditch, to which the prisoner is afterwards taken for the purpose of bringing it out with great formality in the presence of witnesses. Trash of this sort is sometimes thrown into the compound of a man's house, or other part of his dwelling, in the hurry and confusion

* See page 104.

longed at a former period to a prince with whom the British government had formed repeated engage-

fusion of a sham search for stolen property, and brought out with his own things by way of corroborating a confession."

Testimony of similar character, of later date, exists in the Minutes of Evidence taken before the Select Committee of the House of Commons on the Affairs of the East-India Company, 1832. Richard Clarke, Esq., a retired civil servant, who, during part of his service, had been deputy-registrar and acting-registrar of the court of Sudder Adawlut at Madras, said, "A native will in general give his evidence rather with reference to the consequences of what he may say to his own interest than from any regard to its truth or falsehood. * * * * In order to the improvement of the native character, I think there is wanting a better moral principle in themselves individually than they are now found to possess, and a more powerful influence of moral opinion on the part of native society. At present their morality affords little internal control over their actions: it does not furnish them with a conscientious check on their conduct; and there is no control of public opinion acting upon them externally. Injustice or misconduct, which should prove successful in making the fortune of a native, would attach no disgrace to him in the estimation of his countrymen." This witness stated prosecutions for perjury to be very frequent, and being asked, "What is the effect upon the character of a native on his having been prosecuted for perjury and convicted?" answered—"If the man is of a character to which, from rank or caste, any degree of respectability or sanctity attaches, those qualities would not be affected by his punishment in the minds of the natives. I believe that persons holding offices attached to temples have been viewed with equal reverence, and treated with equal deference in regard to their spiritual authority, while under actual punishment for perjury." Being asked—"Would it not operate as a stain upon them in society?" Mr. Clarke answered—"Not among themselves." James O. Oldham, Esq., a civil servant, who had held the offices of zillah judge and judge of circuit, related the following fact in illustration of the character of a large portion of native evidence, and of the power of zemindary influence:—A

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ments. In the year 1786, Captain Light, the master of a country ship, received from the King of Queda,

murder had been committed in the district of Moradabad. The thanadah, a subordinate police-officer, proceeded to the spot to seek for evidence. He took the evidence of a witness, who deposed that he was present at the time the murder was committed, and related a variety of minute particulars alleged to have attended it. It was necessary that the evidence should be repeated before a magistrate, and a witness accordingly appeared, who related all the particulars as reported by the thanadah, without the slightest variation. On being further questioned, however, he became confused, and at last being unable to maintain longer the character which he had assumed, he said, "The whole of the evidence I have given is by order of the zemindar. I am not the real witness, but am come to personate him by the zemindar's orders." Being reminded that he was liable to transportation for what he had done, and that the effect of his testimony, had it been believed, would have been to take away a man's life; he answered, "What can I do? the zemindar told me to do it."

William Butterworth Bayley, Esq., who had served the Company thirty years in India in various offices, including those of chief secretary to the government of Bengal, member of council there, and acting governor-general, after stating that the whole system of police and administration of criminal justice had of late greatly improved, said, "The great cause of failure in the administration of criminal as well as of civil justice, is the habitual disregard for truth which unhappily pervades the bulk of the native community, and the little security which the obligation of an oath adds to the testimony of witnesses. I do not believe that this characteristic vice of the natives of India has been fostered or increased by the establishment of our courts of justice, as is generally imagined; the same vice has been found to prevail to at least an equal extent in Mysore, in the Mahratta country, and in other parts of India to which our authority has not extended, and where our institutions were totally unknown. False testimony has in certain cases been directly encouraged and approved by the sanction of the great lawgiver of the Hindoos. The offence of perjury can be expiated by very simple

the island of Pulo Penang (since called Prince of Wales Island), as a marriage portion with the sovereign's daughter. Captain Light transferred it to the East-India Company, by whom he was appointed governor, and an arrangement was concluded with the King of Queda for the payment to that prince of six thousand dollars annually, to compensate for the loss of revenue which he was likely to sustain. In 1800 a cession of territory on the main land was made to the Company. This acquired the name of Province Wellesley, and in consideration of its surrender the payment to the King of Queda was raised to ten thousand dollars. In 1821 the remaining territories of the King of Queda were invaded by the Siamese and quickly subdued, the prince thereupon taking refuge in Prince of Wales Island. He subsequently removed to Province Wellesley, where his presence was inconvenient, with reference to some of the provisions of the treaty with Siam. With considerable difficulty he was prevailed upon to return to Prince of Wales Island, but the views

penances, and the inhabitants of India generally must undergo a great moral regeneration, before the evil which saps the very foundation of justice and bars all confidence between man and man shall be effectually remedied."

Subjection for ages to the debasing influences of superstition and misgovernment has indeed produced a deadness of moral susceptibility and a distortion of moral judgment, which are among the most fearful of the obstacles with which the British government has to contend in its efforts to introduce improvement. In such a state of things improvement must be slow, and any feeling of impatience at the tardiness of its advance is unreasonable.

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by which the British authorities were influenced in effecting this change are far from clear. The residence of the King of Queda in Province Wellesley might be dangerous to the peaceable possession by the Siamese of the country which they had wrested from that sovereign; and the British government having undertaken by treaty that the usurped territories should be secured to the invaders, it was important to guard against this source of danger. The policy and the justice of the stipulation by which the English had agreed to give away the dominions of a prince with whom they had for forty years maintained relations of peace and friendship are alike questionable; but, having bound themselves to the cause of the Siamese, it might be expected that they should be anxious to maintain their engagement. The removal of the king to Prince of Wales Island, however, was a step not in fulfilment of the treaty, but in continued contravention of it; for it was expressly provided in the treaty that the sovereign of Queda should "go and live in some other country, and not at Prince of Wales Island, or Prye (Province Wellesley), or in Perak, Salangore, or any other Burman country." The article continued thus:—"If the English do not let the former governor of Queda go and live in some other country, as here engaged, the Siamese may continue to levy an export duty upon paddy and rice at Queda." The residence of the exiled king at Prince of Wales Island was consequently not less inconsistent with the intention of the treaty than his residence in

Province Wellesley. By his residence at either place, the Siamese became entitled to levy certain duties, and those who were so anxious to remove the King of Queda from Province Wellesley, while they were willing to permit his residing at Prince of Wales Island, must, it is to be presumed, have acted under a conviction, that if the English were willing to pay the penalty authorized by the treaty for non-compliance with the provision relating to the residence of the king, the other contracting party had no ground of complaint.* The governor-general expressed an opinion that the banished prince had been rather hardly dealt with. This impression was creditable to his lordship's good feelings, and, from the circumstances of the case, it is not unlikely that others shared in it. The relations so long subsisting between the English and the King of Queda might not require that the former should draw the sword in defence of the dominions of the king; but it was scarcely consistent with good faith, that the English should enter into a treaty which secured to his enemies the fruits of successful usurpation.

It had been feared, as naturally it might, that some attempt would be made to restore the king

* Whether in cases where an act is not evil in its own nature, but is one forbidden by human authority under a penalty, he who breaks the law and pays the penalty stands acquitted *in foro conscientiæ*, is a question upon which the opinions of jurists are divided. Sir William Blackstone and his annotator, Mr. Christian, take different sides, and other eminent authorities might be quoted upon each.

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to the dominions from which he had been expelled. But though such an attempt was not unlooked for, and though it was viewed with apprehension as likely to impair the stability of the existing relations with the Siamese, it was believed, and indeed asserted,* that it could not be attended with any serious danger to the existing government of Queda.

The attempt was at last made, and at a moment when apparently it was not at all expected, though the preparations for it were made within the British

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territories. On the 6th of April, 1831, the Siamese were expelled from the capital of Queda by a force embarked on board a flotilla, consisting of thirty-five or forty small boats. The number of men engaged in the enterprise was supposed to be between three and four hundred; they were under the command of a person named Tuanko Kudir, a known pirate, but highly connected, being son of the King of Queda's sister. Some Siamese boats were cruising off the place, but on the approach of the invaders their crews abandoned them, and with exemplary promptitude sought to provide for their own safety. The fort was garrisoned by about two hundred men, who, as the flotilla advanced, manifested their zeal by the discharge of a few shot, not one of which took effect. The assailants were more successful as well as more daring. They rushed to the attack with considerable spirit, and

* By the chief commissioner for Singapore, Prince of Wales Island, and Malacca.

having contrived to set fire to the buildings within the fort, carried the place by escalade in the midst of the smoke and confusion thereby occasioned.

Had the Siamese been of warlike temperament, this movement would have been well calculated to embroil them with the English. The expedition was partly fitted out from a British port, the stores were purchased in the bazars of a British settlement, and some of the boats employed had British passes. Many of those engaged in the expedition were British subjects, and a few who had belonged to a disbanded local corps were attired in the Company's uniform. Some European merchants, it appeared, were aware of the preparations, though not, it was believed, of the destination of the expedition; but the government were without suspicion. In extenuation of this apparent absence of vigilance, the following reasons were adduced by the chief resident authority—that the preparations, though somewhat extensive, were carried on with great secrecy; that the whole native community were favourable to a movement against the Siamese, whose cruelty and oppression had excited universal hatred, the feelings of the Mahometan part of the population being further inflamed by religious animosity; that some parties in Province Wellesley, on whom reliance was placed for information, were in league with those engaged in the movement and had joined them; that the island police were weak, ill paid, and, like the rest of their countrymen, favourably disposed to hostile

proceedings against the Siamese; and that the British government had neither guard-boats nor establishments of any kind for keeping watch in the harbour and examining native craft. These reasons may be admitted to account for the oversight, but perhaps they can scarcely be allowed to excuse it—more especially as the attack on Queda was not the first movement of the same description. A like attempt had been made some time before and had failed.

Some discussion took place as to the precise degree in which the exiled king was implicated in the attack on Queda. His desire to protract his residence in Province Wellesley originated, there is little doubt, in the hope of there finding the means of regaining his dominions. His pertinacity on this point had led to disputes with the British government, and payment of any portion of the allowances to which by treaty he was entitled had been for a time suspended. On his removal to Prince of Wales Island partial payment of his stipend was resumed, although, as has been pointed out, his residence in that island was not less at variance with the treaty with Siam than his residence in Province Wellesley. To what extent, however, he participated in the movement against Queda is a matter of no importance in any respect. He had been violently and unjustly expelled from his possessions; he had never, by any act, consented to the alienation, or confirmed it; and the English had no better right to give away his dominions than the Siamese had to

take them. Situated as was the King of Queda, his attempting to recover his power and territories involved no culpability, and could excite no surprise. He might thereby, indeed, occasion some embarrassment to the government from which he derived his only revenue, but that revenue was given in payment for a valuable consideration bestowed by the king while in possession of his throne, and which the English still retained. In asserting his rights against the Siamese, he was guilty of no breach of faith with regard to his British protectors. He was no party to the treaty by which they had acknowledged the claim of the Siamese to Queda, and he was not accountable for any inconvenience that might in consequence arise to them. Inconvenience had arisen, and the English, to escape it, now insisted upon the removal of the king to Malacca, a measure often pressed before, but always strenuously resisted by the king. But resistance at this period was hopeless. The king understood that, should he refuse compliance, his removal would be effected by force, and he therefore yielded the consent which it was no longer in his power to withhold.

Further to conciliate the Siamese government, and to atone for apparent disregard to the obligations of the treaty, it was deemed advisable by the British resident at Singapore to aid the recapture of Queda by blockading the mouth of the river. This proceeding was disapproved by the government of Bengal, who issued instructions discouraging any attempt, on the part of the British authorities in the

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straits, to mix themselves up in any operations of a hostile character either by land or sea. These instructions arrived too late to have any effect, for when they were received, the Siamese, aided by the blockading force employed by the English, had already repossessed themselves of Queda. The narrative of these proceedings cannot be more properly closed than by quoting the just observations made from home on the subject. "The case was unquestionably one of conflicting obligations; but it is much to be regretted that, by our own default, we should have been placed in a position from which we could not extricate ourselves, but by giving our assistance to replace the Malays of Queda under the yoke of a government which, from all that we learn, appears to be most deservedly odious to them." *

Queda was not the only source of disquiet to the British government in the straits. The English, on obtaining the transfer of Malacca, seem not to have been minutely informed of the relation in which they stood towards the petty native principalities. Nanning, one of them, soon afforded occasion for dispute. It was regarded by the newly-established European authorities as an integral part of the territory of Malacca, and they believed that the British government possessed sovereign power over it. The chieftain of Nanning, called the Pangholoo, appears to have taken a different view, and to have regarded himself as an independent

* Despatches from the Court of Directors to the Governor-General in Council, 21st November, 1832.

prince, the equal and not the vassal of the power which claimed to be his superior. The British government asserted its pretensions by claiming authority in Nanning for its courts of judicature, and by demanding a portion of the revenue of the country as tribute. These demands were resisted, and it was deemed necessary to support them by the despatch of a company of sepoys, whose presence it was not doubted would speedily bring the offending Pangholoo to submission. This expectation turned out to be erroneous. The officer in command of the party of sepoys found his progress obstructed by trees placed across the road, the intervals being studded with spikes. These difficulties being surmounted, the party attacked a stockade, which they carried, but the success was attended by the loss of an officer and several men. The return of the detachment to Malacca was effected with considerable difficulty, and by a route different to that by which they had advanced. Reinforcements being obtained, the Pangholoo was subdued and tranquillity restored. The relations subsisting between the Dutch government and the native princes, by which the respective positions of those princes towards the British government were necessarily governed, seem to have been but imperfectly understood, and probably they had never been defined with much accuracy.

While the settlements in the straits were thus agitated, the interior of the territories subject to the government of Bengal was not free from disturbances. They commenced in Chota Nagpore, a

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zemindary forming part of the Ramgurh district, and which, with its subordinate pergunnahs, comprised an area of about ninety-five miles in length and eighty in breadth. The movement began in

A. D. 1832. January, 1832, at the south-eastern extremity, whence it extended rapidly to the northward, till the whole of Chota Nagpore proper and the adjacent pergunnah of Palamow were in a state of insurrection; or, it may rather be said, that violence and pillage were universal and indiscriminate. The state of the whole country, indeed, is depicted in the following brief but striking description of one part of it, by Mr. Neave, a commissioner employed therein. "Of Toree," said he, "I am at a loss to give any account, save that it is in a state of complete disorganization, to redeem it from which I can scarcely offer any plan." To illustrate the condition of the pergunnah, the commissioner then proceeded to state that, with the exception of a few large landholders, it was the practice of all persons within it to beat and rob, if practicable, all other persons that might fall in their way, and that nothing but superiority of physical force could ensure safety. "The system," said he, "appears to be universal: the villages are fired, the roads are blocked up, and all passers are plundered."

The government, on learning the state of the district, had been prompt in dispatching a military force for the restoration of order; but the amount was insufficient. In some cases, where tranquillity had been apparently restored, the departure of the

military was immediately followed by a renewal of disturbances. On one occasion a squadron of cavalry encountering a body of six or seven thousand of the rioters was compelled to retire with some small loss. A detailed account of the measures pursued for the re-establishment of order would possess no interest, as in their prosecution they were marked by nothing to distinguish them from the ordinary course of such proceedings. It will be enough to say that they succeeded, and the disturbances themselves would scarcely deserve notice, were it not that they afford additional evidence of the constant tendency of the wilder portion of the subjects of the British government in India to break loose from the restraints of law and order, and to return to a state where the hand of every man is against his neighbour. Such a state would ensue throughout a large extent of the populous empire of Britain in the East, were its authority from any cause withdrawn. The result would not be the substitution of another government, better or worse, in the place of that which should have passed away, but the complete annihilation of every restraint, and the free indulgence of every evil passion, to the full extent which the means of physical force possessed by each individual would permit. In the more civilized parts of India British dominion maintains a government which, by comparison with any of native origin that ever did exist, or that under present circumstances can by possibility exist, must be pronounced good. In the remainder of the country the British government

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stands a bulwark against unbridled licentiousness, universal anarchy, and overwhelming misery.

The series of events next to be narrated will afford no unapt illustration of the ordinary blessings of native rule. Coorg was a small principality on the confines of Mysore, which the ambitious rulers of the latter state, Hyder Ali and Tippoo Sultan, had for a time held in subjection. The romantic character of the prince who held the raj of Coorg during the war carried on by Lord Cornwallis with Tippoo Saib, his imprisonment in Mysore, his escape and subsequent activity in asserting his own claims and aiding the cause of the British government, have been already noticed.* His son and successor was a person of widely different character. His career, unmarked by acts of daring valour or manifestations of generous feeling, was rendered extraordinary by a series of crimes so extravagant as to seem the result of insanity, if such a state of mind can properly be inferred from the perpetration of acts of atrocious wickedness. Late in the year
A. D. 1832. 1832, the sister of the Rajah, named Dewah Amajee, with her husband, Chinna Buswa, fled from Coorg into Mysore and claimed the protection of the British resident, Mr. Cassamajor, from the violence of their relative. The prince entertained a criminal passion for his sister, whose resistance he had threatened to visit with death. This conduct, except for its pre-eminent depravity, was in no way at variance with the ordinary course of his life, which was

* See vol ii. page 498 et seq.

but a continued series of crime and cruelty. The fugitives received from the British government the protection which they sought. In the meantime the Rajah, it was ascertained, had taken measures for increasing his military strength, the object of which proceeding was involved in doubt. It was currently rumoured that his intention was to invade Mysore. The British resident, however, was of opinion that the views of the Rajah were purely defensive, and that he was acting under the apprehension of being himself attacked by a British force. To obtain some definite information and to calm the fears of the Rajah, if any were entertained, Mr. Cassamajor was deputed to visit Coorg. The result was not very important. The British resident found the state of the country as bad as imagination could have pictured it, and he made some representations on the subject. These, as might have been anticipated, were without effect. The Rajah denied the existence of discontent, and repelled all suggestions for improvement. But he disclaimed any intention of offensive warfare, alleging that he had been led to apprehend an invasion of his own territories by the Company's forces, and ascribed to this cause the preparations which he had made for increasing the efficiency of his army. With regard to this last point, the British resident expressed a hope that his visit had not been unproductive of good in putting an end to the Rajah's fears.

The resident was to have borne a letter to the

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Rajah from the governor of Fort St. George, but it did not arrive until after his return. It was then transmitted by another person, and the Rajah forwarded an answer filled with complaints against Mr. Cassamajor, and demanding the surrender of Chinna Buswah. Further letters were interchanged, the subject of some of them having arisen out of the altered circumstances of Mysore. Here it is necessary to state that, previously to the commencement of the differences with Coorg, it had been found expedient to bring into operation that portion of the treaty with Mysore which empowered the British government, in case of need, to assume the entire administration of the affairs of that country. An insurgent poligar had fled from Mysore, and, according to report, had found a refuge in Coorg. His surrender was demanded; but the Rajah, in reply, while denying the presence of the poligar in Coorg,* complained warmly of the conduct of the British government in requiring him to give up fugitives from Mysore, while his claims for the surrender of rebellious subjects were disregarded. The tone adopted by the Rajah in this and other communications was in the highest degree uncourteous and offensive.

Mr. Cassamajor, who had for some time discountenanced the belief of the Rajah's hostile intentions, had subsequently changed his opinion. In September,
A. D. 1833. 1833, he recorded a minute, declaratory of his con-

* It subsequently appeared that the fugitive poligar never had been in Coorg.

viction that measures should be immediately taken to terminate the correspondence with the prince. Before this time the resident had expressed a wish to be relieved from the duty of carrying on communications with the Rajah, and he now suggested that Mr. H. S. Graeme, resident at Nagpore, but temporarily sojourning for the benefit of his health at Bangalore, should undertake the task which he was anxious to relinquish. The suggestion was adopted, and Mr. Graeme appointed. The instructions transmitted to him were altogether of a pacific and conciliatory character. Some doubt was thrown upon the accuracy of the information forwarded to the government. The reports, it was said, which had been received from the resident, as well as from other British officers in Mysore, relating to the hostile preparations of the Rajah, and to other points connected with the affairs of Coorg, had been so various and contradictory, as to lead the government to believe that much of the information afforded had been greatly exaggerated, if not entirely unfounded. In descending to particulars the same tone was maintained. The extension of protection and assistance to the refractory poligar from Mysore was not regarded as proved, and in this view the government of Fort St. George deemed it advisable to abstain from any direct requisition for his delivery. Further, the fact, if ascertained, that the poligar had found refuge within the Coorg frontier was, it was stated, of little importance, unless it should appear that he had been furnished by the

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Rajah with means of maintaining himself in a hostile position towards the British government. A hope was expressed—a very desperate one it must have been—that by a cautious avoidance of subjects calculated to irritate the Rajah, that prince would be made sensible of the impropriety of his recent behaviour, and would be induced to retract the offensive language, towards the British resident in Mysore, in which he had indulged in his correspondence with that functionary. A letter, framed in a similar spirit, was addressed to the Rajah. In this paper his alleged preparations were treated as entirely defensive—as arising from "fears entertained by his highness of some hostile measures on the part of the British government," and these fears he was urged to dismiss. To the Court of Directors the representations transmitted by the local government were of a character scarcely less favourable.

Their expectations soon experienced a shock. The Rajah declined receiving a visit from Mr. Graeme under the pretence of illness. His reluctance was attributed to the dislike which he felt for Mr. Cassamajor, and to the belief which he was supposed to entertain that Mr. Graeme had been selected by the advice of that gentleman. Some attempts were made to remove the unfavourable impression of the Rajah by complimentary and apologetic communications, but their only fruit was the expression of a wish on the part of the Rajah to receive Mr. Graeme as soon as he should be sufficiently recovered, accompanied by the extraor-

dinary intimation of a desire that the new agent of the British government should be accompanied by his predecessor, Mr. Cassamajor, who, it was understood, held no favourable place in the Rajah's opinion. No time, however, was appointed for the desired meeting, and Mr. Graeme returned to Bangalore. Personal communication seemed hopeless, but its place was supplied by a voluminous correspondence, which it would be at once tedious and useless minutely to pursue. The Rajah referred to an alleged assurance, given in writing, by the British resident some years before, that all regulations for the surrender of fugitives from Coorg should be complied with. This appeared, however, to be a characteristic instance of native misrepresentation. The Rajah, on the occasion alluded to, had expressed a hope that no departure from the established practice of the reciprocal delivery of criminals seeking refuge within the jurisdiction of the other circar would take place. In reply, he was assured that, if the place were pointed out to which subjects of the Coorg circar, who had committed murder and robbery in that country, had fled, the necessary orders for their seizure would be given. This assurance, it is obvious, did not apply to the flight of the Rajah's sister and her husband. They were not criminals. They sought to escape not the punishment awarded by justice, but the penalty denounced by tyranny. They claimed not impunity for their own crimes, but protection from the crimes of others.

Mr. Graeme seems very soon to have regarded

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the success of his mission as hopeless, so far as his personal efforts were concerned, but he thought it probable that better fortune might await an attempt to negotiate through native agency. Two persons were accordingly selected, one a parsee merchant of Tellicherry, named Davoshah, the other named Hamagery Merion, in employment under the principal collector of Malabar. These proceeded to Coorg under the presumed protection of passports furnished by Mr. Graeme. Ere long, however, fears were entertained for the safety of the native diplomatists, and it was deemed necessary formally to warn the Rajah of the consequences of any act of violence exercised towards them. Davoshah was then permitted to return to his ordinary place of abode: his colleague, less fortunate, was forcibly detained at Coorg. Mr. Graeme remonstrated. The Rajah persisted in detaining Hamagery Merion till the conclusion of an inquiry into certain charges of intrigue said to have been made against him, an act which he defended by reference to the case of the fugitives from Coorg, who had been stationed in the British dominions. This specimen of reasoning is by no means calculated to give a high opinion of the Rajah's logical powers. Because certain parties from Coorg are permitted, at their own express desire, to reside within the British territory, he argued that he was justified in detaining in Coorg an accredited agent of the British government, in opposition to his own wishes and in violation of the dignity of the state which he represented.

The Rajah was again addressed; again reminded of the probable consequences of the course which he was pursuing, and a period was peremptorily fixed for the release of Hamagery Merion. Soon afterwards the governor-general arrived at Madras, his lordship having previously addressed a letter from Calcutta to the Rajah intimating an intention of proceeding to Mysore at an early period, and a hope of there meeting the prince, or some confidential agent, to consider the matters under discussion and adjust the existing differences. No answer being received to this letter, the governor-general, on arriving at Madras, dispatched another, notifying his approach, and informing the Rajah that at Bangalore he should expect a reply to his former communication. At that place, too, it was stated the governor-general expected to learn that the requisition of the British government for the release of its native agent had been complied with, in which event, and after explanation upon some other points, negotiations might be renewed, and it was hoped that the friendly relations formerly subsisting might be re-established. The period for releasing Hamagery Merion expired and that person was not released. The governor-general proceeded to Bangalore, but there the required answer to his letter did not meet him. It was now quite obvious, even to the most strenuous advocates of conciliation, that conciliation had been tried long enough; the most sanguine of those who had relied on negotiation as an instrument for terminating the existing disputes were

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now at an end. Nothing short of infatuation could prolong the hope of avoiding war; and an appeal to weapons, better adapted than argument to operate on the brutal mind of the Rajah, was resolved upon. Lieutenant Fraser had succeeded to the political duties previously performed by Mr. Graeme, who was about to proceed to Europe. The former officer accompanied the expedition against Coorg, and maintained communication with the vakeels of the Rajah up to the moment when the authority of the prince was about to pass from him, and when it must have been evident to himself, and all beside, that he had no course but unconditional submission. Few words will suffice to relate the results of the expedition. On the 6th of April a column, under the command of Colonel Lindsay, entered Mercarrah, the Rajah's capital, where the British colours were forthwith hoisted, under a salute of twenty-four guns. Piles of firewood were found in various parts of the palace, apparently collected with the intention of destroying the building, but from some cause the execution of the purpose had not been attempted. On the 10th the Rajah surrendered himself. His government was declared to be at an end, and the territories of Coorg permanently annexed to the British dominions.

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The occupation of Coorg opened to the conquerors a vast body of evidence relating to the crimes of its former sovereign—evidence of numerous murders, some secret, some public, some the

offspring of revenge, some the results of a barbarous policy. Women, not less than those of the sterner sex —children as well as adults, were numbered among the victims of his cruelty. Of the royal house, not a single male, except the guilty Rajah, survived. The chief agent of the prince in the work of murder, and, as was believed, the prime instigator of many of his atrocities, was his dewan, and the close of this man's life was not unworthy of the career by which it was preceded. A reward being offered for his apprehension, he fled into a jungle a short distance from Mercarrah, upon one of the trees of which he was found hanging. Whether the dewan was his own executioner, or whether summary justice was inflicted by some other hand, cannot be certainly known, as the fact of his being discovered dead in the situation which has been described stands unillustrated by any explanatory evidence. But there is little reason to doubt that he added to the list of murders in which he had been concerned, either as principal or accessory, that of himself, and thus by the last act of despair avenged the numerous victims of his cruelty in the heart of the country which had been the theatre of his crimes. His profligate master was more fortunate. Relying, it may be presumed, on his royal privilege for earthly impunity, he did not brave the vengeance of heaven by prematurely rushing upon its judgment. He found that indulgence which it is the practice of the British government to extend to the fallen, and though subjected, as he must have anticipated, to restraint, he was pro-

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vided for in a manner befitting, not his character, but his rank. Had his lot been cast in times when native power was predominant, and had he fallen before that which for the time possessed the ascendency, his fate would have been very different. That his life should have been spared would perhaps have been beyond reasonable hope; but had this boon been granted, he would most probably have been doomed to linger out the wretched remnant of his days in perpetual darkness. By the bounty of the British government he enjoyed not merely life, but all the means of rendering life agreeable, save one. That one no human power could supply to a man who, in looking back on his past career, could discern nothing but a frightful array of the most atrocious crimes—tyranny and oppression, robbery and violence, unnatural lust, ferocious cruelty and wholesale murder.

In removing such a monster from the throne which he disgraced, the British government conferred a valuable boon upon the unhappy people who had suffered under his misrule; and he must entertain a very extravagant view of the rights of princes who can regard the act of removal as needing any lengthened justification. The annexation of the conquered territory to the British dominions is not, on the first view, so clearly justifiable, but a very few words of explanation will shew that, in this instance also, the right course was taken. The Rajah was childless, and he had taken effectual measures to cut off all pretensions to the succession not

derived from himself. The vacant throne was without a claimant, and the power which had occupied the country was called upon to provide in some manner for the administration of the government. A stranger might have been placed on the musnud; but there was no reason for the exercise of such self-denial on the part of the British government, more especially as the people manifested a strong desire to become British subjects. The existence of such a desire removed every pretence for hesitation, since it was indisputable that the change which they wished was for their own advantage, and that no rightful claim stood in the way of its accomplishment.

The administration of Lord William Bentinck was not fertile in great or interesting events. Those occurrences which have been selected for relation will not bear comparison, in point of importance, with the events of previous years; and for posterity, the period during which Lord William Bentinck held the chief place in the Indian government will have few attractions. Nothing which it is consistent with the character of history to notice remains for report or observation, but the diplomatic arrangements concluded under his lordship's rule, and the internal changes effected by him. The former were neither numerous nor important. The treaty rendered necessary by the refractory conduct of the Rajah of Colapore received its ratification from Lord William Bentinck. In Scinde a treaty was concluded with the Rajah of Khypoor, by Colonel

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Pottinger,* principally with a view to the navigation of the Indus. With Hyderabad, in Scinde, arrangements having the same object were concluded by the same officer.†

Oude was, during Lord William Bentinck's administration, as at most other times, a source of apprehension and difficulty. To such a height had misgovernment arrived, as to overcome the reluctance of the home authorities to interfere in the affairs of native states; and the government of Bengal was authorized to assume for a time the management of the affairs of Oude. Lord William Bentinck, however, abstained from exercising his authority, an act perfectly in accordance with the general character of his administration.

Turning to matters of internal arrangement, it becomes necessary to advert to the measures for the retrenchment of expense, which may be regarded as the most peculiar if not the most striking features of the policy which marked the period under review. At the time when Lord William Bentinck proceeded to India, various causes combined to impose on the Indian government the observance of all practicable frugality. At home, the profuse expenditure which had distinguished the administration of Mr. Pitt, and in spite of which that minister had retained, for an unprecedented period in the history of administrations, the confidence of those who had the largest

* Now Sir Henry Pottinger, Bart.

† Recent events render any detail of the particulars of these treaties unnecessary.

stake in the prosperity of the country, was no longer countenanced either by official practice or public approbation.

Opinion on almost every question had taken a turn, and whereas, not long before, the free outlay of money was disregarded whenever any object of national importance was to be obtained, every fraction of expenditure was now carefully watched; every kind of charge was scrutinized with a view to its reduction, and even the necessary and unavoidable expenses of the state were yielded grudgingly, and limited to the smallest sum believed to be required for ensuring the requisite service. An inquiry into the causes of this revolution would here be out of place; it is enough to say that retrenchment and reform had become fashionable. Of the doctrines of the day the ministers for the time being will generally be the advocates. Indebted to their advocacy, in some instances, for the elevation which they have attained—dependent upon a continuance of the same course for their retention of power—acting under the eye of a watchful opposition, ever ready to take advantage of any apparent indifference to principles which are supposed to be popular, and gathering from habit confidence in opinions which may originally have been taken up with little examination, they will infuse the spirit of their policy to a greater or less extent into every department of public business which falls under their supervision. Financial saving being the point to which almost every thought of the public men of

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England was at this time directed, India naturally engaged a portion of the consideration so largely bestowed at home.

In this manner might the temporary prevalence of economical views in the cabinet be accounted for. There was indeed another cause which will hereafter appear. In the administration of Indian affairs, however, the enforcement of all practicable economy was neither new nor strange. The records of the Company exhibit a constant anxiety on the part of its authorities to retrench unnecessary expenditure, and to mitigate the burdens of the people whom they governed to the greatest available extent. With them the feeling has not been subject to intermission—it has been steady and unfluctuating. But at this time there was a special cause in operation, prompting frugality in the management of the Indian finances—the pressure to which, from the state of circumstances, they were subjected. Great expenses had been incurred, and the usual consequence had followed, that much difficulty was found in meeting them. Under a sense of this difficulty new measures of retrenchment were thought to be demanded, while others prescribed long before, but never carried into effect, were revived and ordered to be adopted. Among them was the diminution, in certain cases, of extra allowances long enjoyed by the military at distant stations under the name of batta.

The mode in which these allowances were regulated had varied considerably down to the year 1796,

when a uniform system was established, under which officers in garrison or cantonments were to receive what was termed half batta, with quarters or house-rent; in the field they were to receive full batta; and in the Vizier's dominions, in addition to full batta, a further allowance of equal amount, thus giving to the officer stationed there an advantage equal to that which they appear to have previously enjoyed under the name of double batta. Orders had been given from home for the abolition of double batta; but when the arrangement by which it was in fact retained under another name was reported, the Court of Directors, though expressing some disappointment, did not think fit to disturb that which had been done.

The answer of the Court of Directors to the despatch communicating the adoption of the above regulations was dated in 1798. In 1801 the court, however, ordered the discontinuance of the extra allowance to officers serving in the Vizier's dominions. The subject had in the meantime attracted the attention of the government of Bengal. It was understood that the expense of residing in Oude, the ground on which the allowance was granted, had been greatly exaggerated by report, and it was believed that the effect of maintaining the privilege was to make every officer anxious to go to Oude and unwilling to return. The regiments stationed elsewhere, it was alleged, lost their best commanding officers, who, from the desire of the government to gratify men whose merit entitled

their wishes to attention, were transferred, at their own solicitations, sometimes pressed with great earnestness, to the Vizier's dominions. Further it was represented, that as the extra allowance commenced on going into the field beyond the province of Oude, the grant of it operated as a check upon the natural and honourable desire of officers to be employed on active service. On these grounds, with little reference to financial considerations, but rather from a regard to the spirit, activity, and discipline of the army, the Bengal government had anticipated the orders of the court for abolishing the extra allowance. They at the same time made another change. Great expense had been incurred in erecting and repairing quarters for officers at certain half batta stations. To guard against this for the future, the officers were to be required to provide themselves with quarters, and to compensate them for the loss, they were to receive, not the established allowance for house-rent, but full batta instead of half batta. This latter arrangement was adopted without any communication with the home authorities; but, on being reported, it was approved. The two changes appear to have been considered by the government of Bengal as parts of a single plan. They were so reported to the Court of Directors, the following remark being introduced into the letter in which they were communicated:—" The loss of the Vizier's allowances will be compensated to the aggregate body of the officers of the army by the grant which his Excellency in council has made to

them in certain cases of extra batta, in consideration of their providing themselves with quarters."* This view of the question was not confined to the Bengal government; it appears to have been entertained by the army: a point important to be noticed, as it was at a future period the origin of much dissatisfaction.

No further change was either made or meditated till the year 1814. A general review of the state of the military establishments of India appears then to have taken place at home, and it was ordered that the allowance of full batta at those stations where half batta and quarters had previously been granted should cease, and that, for the future, half batta and house-rent should be substituted. A revised scale of allowance for house-rent was at the same time furnished, the effect of which was to increase the amount at Madras and Bombay, but to diminish it at Bengal.

These orders arrived in India while the government were engaged in the Nepaul war. The Pindarie and Mahratta war followed, and for a time the authorities had far more important claims upon their attention than any arising out of disputable questions of allowances. When leisure was found for examining the subject, the Bengal government, instead of acting immediately upon the orders from home, deemed it proper to address to the Court of Directors a representation against their being carried into effect. The ground of their remonstrance

* Military letter from Bengal, 28th of May, 1801.

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was the alleged compact previously adverted to. The court, they represented, "could not have been aware that full batta in Bengal stands on the footing of a compromise, for which the government stands virtually pledged, *in foro conscientiæ*, since the order for granting full batta to the whole was contemporaneous with that for withdrawing double batta from a part." In place of the immediate reduction ordered, the Bengal government suggested that it should be prospective—that it should apply to no officer then in the service, but only to cadets who might thereafter enter it. The court rejected the suggestion, and severely censured the conduct of the Bengal government in making it, on the ground that such a proceeding tended to create expectations, which being ungratified, disappointment and dissatisfaction would ensue. Adhering to their former orders, they directed them to be carried into effect, but in a modified manner: the change was not to affect officers who at the time of the promulgation of the orders might be serving at the stations to which they applied, nor to the officers who should be sent to those stations on the next succeeding relief.

These orders were transmitted in November, 1823. The Marquis of Hastings had then quitted the government, but the prescribed retrenchment seems to have found no greater favour in the eyes of that nobleman's successor than in his. The local government still refrained from acting on them, and again transmitted an appeal against being required to enforce them. The ground they took

was on one point the same with that on which the preceding government had made its stand—the presumed compact between the Company and its officers. But they added, that if saving were the object, the financial situation of the Company at that time did not call for such a mode of effecting it. The financial state of India, however, at the time when these statements came under consideration, was not such as to lend them much aid, and the feeling then prevalent in regard to the administration of Lord Amherst was calculated to prejudice rather than to advance the success of the attempt to shake the resolve of the home authorities. The instructions heretofore controverted by the local government under two successive chiefs were once more repeated, and it fell to the lot of Lord William Bentinck to enforce them, which he did by general orders, dated the 29th of November, 1828.

The half batta question, though of some importance to the officers serving at the stations affected by it, would possess little interest for any other persons, were it not for the extraordinary warmth with which it was debated, and the protracted resistance offered to the mode of settlement prescribed from home. For thirty-two years (from 1796) the subject had been a source of disquiet and dispute. For fourteen years following 1814, positive orders from home had been either neglected or resisted. A governor-general was at length found ready to perform that from which his predecessors had shrunk; but difficulty and disputation were not

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to be at an end. The commander-in-chief differed from the governor-general. He proposed to suspend the issue of the standing order, and avowed his adherence to the opinion maintained by preceding governments, that the subsisting arrangement partook of the nature of a compact, and that the Company were precluded thereby from making the intended reduction. This opinion he seemed to have taken little pains to conceal, and to the publicity which it acquired the court ascribed much of the dissatisfaction which prevailed in the army with regard to the new regulation. Whether with reference to the existing differences, or from some other cause, Lord Combermere determined to resign the command of the army in India, which he had held not quite four years. Two of the members of council, both men of great ability and great experience,* seem to have regarded the change with apprehension, although they were more guarded than their military colleague in giving expression to their views. The governor-general therefore may claim the praise or the blame which by different judgments may be awarded to the reduction which he was the instrument of effecting. In this case he was indeed a mere instrument, but as he did not at all times exhibit a like measure of docility, it may be presumed that he was desirous of effacing the recollection of former errors by a signal manifestation of obedience. With regard to orders of such long standing, orders which had been so fully

* Sir Charles T. Metcalfe and W. Butterworth Bayley, Esq.

discussed, and often repeated, there could be little hope of changing the purposes of the home authorities by any fresh array of argument; but as diffidence of his own judgment was not among the weaknesses of the governor-general, it is probable that this consideration weighed little in determining his course.*

The publication of the general order produced, as was to be expected, great excitement in the army of Bengal. Numerous memorials complaining of the change effected by it were transmitted home; some of them, it is to be regretted, marked by an entire want of that calm and respectful tone which ought to characterize all communications addressed by those who serve to those entitled to their obedience, and the absence of which is an offence against good taste, not less than a breach of duty. Whether or not a more temperate course would have been attended with better success it is impossible to determine, but an offensive mode of prosecuting even a good cause is calculated to injure it, and it is not surprising that the remonstrances of the army on this occasion were without effect. It is not less extraordinary than lamentable, when military men, trained from their earliest youth in

* The opinion of Lord William Bentinck, shortly before he quitted India, appears to have been hostile to the reduction. In a Minute recorded by him in August, 1834, he thus adverted to the subject: " Trifling, however, as this deduction is upon the aggregate amount of the pay of the Bengal army, it has been severely felt by the few upon whom it has fallen, and has created in all an alarm of uncertainty as to their future condition, which has, perhaps, produced more discontent than the measure itself."

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habits of subordination, and requiring, most properly, from those under their command prompt, cheerful, and respectful obedience, are found to forget that duty which is inculcated by every act of their daily life—by every thing above, below, and around them. That the army should have felt the reduction as a grievance is not surprising: that they should have appealed against a measure so regarded by them was natural; but that in thus prosecuting a fair and reasonable desire to protect their interests they should overstep the bounds of duty and decorum, was neither natural nor excusable.

The half batta reduction was but one of a series of retrenchments in which the governor-general engaged, and not a very important one. Lord William Bentinck had come to India as a reformer, and his zeal was quickened by repeated exhortations to economy from home. The civil service received the benefit of his lordship's regulating hand, and if the amount of savings which he was enabled to effect were small, his enemies cannot deny that the amount of change was considerable, or that the seeds of disorder were so liberally distributed as to ensure an abundant harvest through many succeeding years. One fault which his lordship discovered, or thought that he discovered, in the civil service, cannot, with justice, be imputed to him. "While I am of opinion," said he, "that it would be difficult to form any agency more efficient than the civil service, and while I deem it necessary that its integrity as a body, and the secure prospect of honour and reward should be preserved to it, it is impossible to be insensible at

the same time to some of the disadvantages belonging to this in common with all exclusive orders. In all will be found the same disposition to view with satisfaction things as they are."* The governor-general, by whom this opinion was recorded, partook not of the failing which he denounced. He viewed nothing that existed with satisfaction: and although the short period of service usually enjoyed by the occupants of his high office did not enable him to change every thing, he made abundant use of the time and opportunities of which he was master. But the assertion that the members of the civil service have been generally disposed to view with satisfaction things as they are is at variance with facts —so widely at variance with them, that it must appear ludicrous to any one acquainted with the history of British rule in India. From the time of Warren Hastings the government has been a constant series of experiments, most of which have been abandoned before sufficient time had been allowed to ascertain the results. Change has succeeded change, with a rapidity without parallel in any other part of the world, and this among a people who, except under external influence, never change at all. The besetting sin of British rule has not been a bigotted attachment to an established order of things, but an over eager haste for improvement, leading often to evils greater than those which it sought to remedy. Of this feeling Lord William Bentinck possessed an ample portion. His readiness to pull down com-

* Minute of 10th of November, 1831.

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manded the approbation of those who think destruction the greatest effort of human talent; but his attempts at construction for permanent use altogether failed. In the department last referred to he established a "rule of service," by which the emoluments of office were to be regulated, to some extent, by the period during which the holder had been effectively employed. This rule was immediately set aside by the Court of Directors, but its introduction had the effect of leading to other projects of similar character, each of which gave rise to prolonged discussion; the members of the service being in the meantime in a state of anxious uncertainty as to their position and prospects, and the attention of both the home and the local authorities diverted from the consideration of substantial and practicable improvements.

It has been already observed that, for some years preceding the administration of Lord William Bentinck, the current of opinion had set with great force in the direction of economical reform. Whoever will take the trouble of making the requisite observation will observe, that on this, as on many other subjects, opinion in a course of years exhibits an alternation of ebb and flow. At one time the servants of government are scarcely deemed worthy of remuneration exceeding that of the most ordinary labour. At another, abuses the most palpable and scandalous are permitted to exist without giving rise to the slightest alarm. Again the spirit of reform attains a fever heat, and the operation of retrenchment is commenced and carried on with a

blind recklessness of purpose, which knows but one object—to save expense, whatever be the consequences. The recurrence and the duration of these alternate states of apathy and zeal are determined, though not entirely, yet in a great degree, by the fluctuations of prosperity to which every country must be subject. In prosperous times extravagance is disregarded. When adverse circumstances arise it is deemed extravagant to satisfy the claims even of justice and necessity. At such seasons the salaries of public servants are looked to as a certain source of relief, and reduction is justified by reference to the pressure upon the public finances. This reason is so commonly and so confidently assigned, that its validity is rarely questioned; yet in truth it will not stand the test of examination. The amount of the service rendered by public functionaries is, it is to be presumed, as great in adverse as in prosperous times, and if so, it is deserving of the same amount of remuneration. If, indeed, it has been raised too high during a season of prosperity, it ought to be reduced; but, in this case, the right reason ought to be given—that reason being, not that the financial resources of the state are impaired, but that the office in which the proposed retrenchment is to be effected is overpaid. Such an abuse should not have been permitted to arise, and when redressed, it should not be under a false pretence. The financial resources of a state should be managed like those of an individual, with constant reference to prudence and to justice. Prosperity should not seduce those who administer its affairs into care-

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less and useless expenditure, nor should temporary difficulty render them insensible to the claims of justice. If the labourer be worthy of his hire, he should receive the just reward of his labour under any circumstances. Nothing short of the impossibility of rendering justice can be admitted as an excuse for withholding justice. There are many modes of useful and laudable expenditure which may be indulged during prosperity and suspended when prosperity fails; but the just remuneration of the servants of the state is an obligation unaffected by change of circumstances—at least by any ordinary change. That periods of financial pressure will arrive is not less certain than the recurrence of the vicissitudes of the seasons. By prudence the effects of the visitation may be mitigated. Preparation may be made which will render it unnecessary to resort to injustice as a palliative when the evil shall arrive: this is the proper course. But if public servants are in adverse times to be paid less than their services are worth, let those who maintain this position remember that it involves another—that when prosperity revives, such servants may, in justice, claim to be remunerated with reference not to the nature of their labours, but to the capacity of the state; if the state can afford to pay exorbitantly, it ought so to pay, simply because it has the means. This is a conclusion from which most reasoners will shrink, but it is legitimately drawn from principles very commonly avowed and acted upon.

Looking to the circumstances of their situation,

the emoluments of neither the civil nor the military service of India can fairly be regarded as excessive. The time when imperial fortunes were raised by the servants of the Company has passed away. While it endured, the fortunes accumulated were not the savings from official salaries. They were sometimes the produce of lucky and perhaps lawful speculation; but, in too many instances, they were raised by practices which would not bear scrutiny. At present the utmost that a servant of the Company can hope for is, so to employ the more active period of life as to secure for its closing years such moderate provision as may suffice to avert from the season of infirmity and decline the corroding influence of anxiety; and even this he cannot effect without considerable attention to frugality. The military profession is in no part of the world overpaid. The Company's service has no advantage over the service of the Crown, except in being free from the necessity of purchasing promotion, and in the prospect of a limited provision on retirement. To counterbalance these, its members must be subject not merely, like their brethren elsewhere, to occasional residence in an uncongenial climate, as well as to the other disadvantages attending a wide separation from the land of their birth, but to such residence permanently; the climate and the separation are the constant and necessary conditions of their service—conditions for which the compensation afforded is certainly not excessive. The salaries of civil servants appear in a few instances large, but

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these are the great prizes which not many can hope to attain—which none can reach without a long period of toil pursued under many discouragements. It must be remembered, too, that the offices which are highly paid require great ability as well as experience, and that they are attended by great responsibility. Rank and family connection are far less influential than at home in advancing the promotion of those who enjoy these advantages. A civil servant cannot make his way without a considerable aptitude for public business, and before he is permitted to engage in the attempt, he is required to be qualified by an expensive education at home. With a view to ensure a succession of persons properly qualified by character and mental acquirements for the duties which they are to discharge, and to secure the people of India from falling into the hands of mere adventurers, the service has been made an exclusive one, and a high test of qualification required from candidates for admission to it. It is possible that, if salaries were in some degree reduced, candidates might still be found; but looking at the vast power which must be intrusted to many Indian functionaries—to the wide discretion which must often be allowed them—to the temptations by which they are surrounded, the experiment would be unsafe. The character of the service was raised by the grant of liberal salaries in place of the indirect acquisitions with which the Company's servants were wont to eke out the paltry allowances to which they were legally en-

titled—it would be deteriorated by any measure that should seriously affect the aggregate emoluments which now fall to its lot.* CHAP. XXVII.

It was not in financial affairs only that Lord William Bentinck was anxious to appear in the character of a reformer. Under pretence of improving the character of the civil service and providing for the advancement of merit, he sought to establish a system of universal espionage, better suited to the bureau of the holy office of the Inquisition than to the closet of a statesman, anxious to be regarded as the representative of all that was liberal. Every superior officer, court, and board, was required to make periodical reports on the character and conduct of every covenanted servant employed in a subordinate capacity. Like most of his lordship's projects, this plan met neither with approbation nor success, and it was soon abolished. Shortly before he quitted India, and when, consequently, it was certain that whatever inconvenience might follow no portion of it would be encountered by his lordship, he by a general order abolished the use of corporal punishment in the native army. Whether such punishment can in all cases be dispensed with—and whether the power of inflicting it be not emi-

* It will scarcely be denied that in all matters of public expenditure there is a point beyond which retrenchment cannot be carried with prudence or decency. Paine, the political writer (best known as Tom Paine), adverting to the income of the British monarch, said, that he could find an able-bodied man who would take the office for three hundred a-year; and perhaps he could, but it was not thought fit to make the trial.

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nently calculated to avert the necessity for any punishment—these are questions of deep interest —questions which should never be discussed but in a spirit of grave and sincere anxiety to discover the truth. But, however they may be answered, the act of Lord William Bentinck must stand exposed to severe reprobation. He had no power to abolish the punishment with regard to one part of the troops serving in India, and the slightest reflection might have suggested to any mind but his own, the imprudence and inexpediency of abolishing it with regard to the remainder. When European and native troops are serving together in the field, what must be the feelings of the former on perceiving that the latter are exempted from a punishment to which they are exposed? If this reflection did not occur to Lord William Bentinck, he had far less of sober thought and deliberative power than became his character of governor-general of British India: if it did occur, his lordship cannot be acquitted of the charge of wantonly and recklessly provoking consequences which his successors might have bitter reason to lament.

But for the indulgence of similar extravagance in a variety of ways, the administration of Lord William Bentinck would appear almost a blank, and were all record of it obliterated, posterity would scarcely observe the deficiency, while it is certain they would have little reason to regret it. Yet there is one act for which it deserves not only to be remembered, but to be held in eternal honour. By Lord William

Bentinck an end was put to an atrocious system of murder, which many of his predecessors had lamented, but which none had possessed the hardihood to suppress. If every other act of his government be covered by oblivion—and his lordship's reputation would thereby sustain no loss—let one, at least, be rescued from the fate of the remainder. When future inquirers are desirous of ascertaining at what period and under what circumstances the horrible practice of Suttee, once so prevalent in India, ceased—when they seek to know to whom humanity is indebted for emancipating Hindoo widows from the necessity of destroying themselves by a death of torture on the funeral piles of their departed husbands, they will learn that it was Lord William Bentinck who afforded to the cause of truth and right this noble triumph. This recollection must not be permitted to perish—the honour of the British name forbids it. Murder is in British India no longer recognized by law; and if in the dark recesses of superstition instances may yet occur, the British nation and the British government are cleansed from participation in the guilt.

The best and brightest of his deeds has been reserved to close the history of Lord William Bentinck's administration. It remains only to state that he quitted India in May, 1835, having held the office of governor-general somewhat longer than the ordinary period; but having done less for the interest of India and for his own reputation than any who had occupied his place since the commence- A.D. 1835.

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ment of the nineteenth century, with the single exception of Sir George Barlow. His besetting weakness was vanity—the idol of his worship was popularity, and he sought to win its behests by an unrestrained sacrifice to what is called the "spirit of the age." Economy was in fashion, and therefore Lord William Bentinck was an economist. It was a period when showy and noisy pretension was permitted, in many instances, to carry off the rewards and honours which were due only to deep and solid attainments, and Lord William Bentinck challenged praise for a system designed to work in accordance with the popular feeling—professing to foster merit, but, in truth, calculated to foster only undue influence. Punishments of the mildest and gentlest character were decreed in all cases where any punishment was to be inflicted, and Lord William Bentinck bade high for popularity upon this ground, also, by the abolition of corporal punishment in the native army. For all these acts, charity itself can assign no motive but a weak and inordinate appetite for temporary admiration. But from this imputation let the great act of his administration be excepted. Let it be hoped—let it not be doubted, that in abolishing the practice of Suttee he was actuated by higher and better motives—by a sense of what was due to the honour of the government which he administered, and to HIM by whom that government had been so wonderfully established and the empire subject to it so wonderfully extended.

CHAPTER XXVIII.

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THE exclusive privileges continued to the East-India Company by the Act of 1813 expired in 1834. During the intervening twenty years, the doctrines of free trade had been establishing themselves in every quarter: at the end of that period their reign was at its zenith. The servants of the Crown had unreservedly avowed a conviction of their abstract truth, and much had been done towards carrying them into practical effect. The protection heretofore afforded to various branches of trade and manufactures had in many instances been withdrawn; even the old navigation laws of England, which had been regarded as the foundation of its maritime strength, and which had commanded the approbation of Adam Smith himself, had fallen before the triumphant march of liberal opinions. The altered circumstances which followed the restoration of peace to Europe had increased the cry for new openings for commercial competition, and rendered it more general and more fierce. An attack of unwonted vigour upon the privileges which the East-India Company yet retained was,

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therefore, to be anticipated whenever those privileges should again come before parliament.

The usual period was not allowed to elapse before the note of preparation was sounded. In the year 1820 every interest in the country was suffering great distress. Free trade was, by its advocates, loudly vaunted as the only efficient remedy, and the Marquis of Lansdowne, who took the lead upon the subject in the House of Lords, gave notice of a motion for a select committee to inquire into the foreign trade of the country, which motion, on the 26th of May, he brought forward. In the course of the speech with which his lordship introduced the motion, he adverted to that which had previously been a subject of popular animadversion and complaint—the facilities enjoyed by the Americans, in regard to the trade with China, in comparison with those of the merchants of Great Britain. The motion, being unopposed by the ministers, was carried, and the committee appointed. On the 5th of June Mr. Baring, in the House of Commons, moved for the appoinment of a committee on the same subject; and this motion also was carried, not only without opposition, but even without remark.

It falls not within the purpose of this work to dwell upon any of the various objects of inquiry to which the two committees directed their attention, excepting such as related to the trade of the East-India Company. The most important of these was the refusal to British merchants of the privileges already noticed as enjoyed by those of America.

American ships were allowed to carry British manufactures from Great Britain to China, a privilege denied to British ships. With the manufactures thus carried from the shores of England, an American merchant might purchase the produce of China, and bring it from thence to any part of Europe excepting Great Britain. The right to trade between China and continental Europe was not indeed a privilege granted by the British government, for that government had no power to withhold it, but the interdiction of similar communication by British traders was its act; thus Englishmen were restrained from participating in a beneficial trade, and thus were its profits thrown exclusively into the hands of foreigners. The Americans had another advantage in being enabled to carry on a profitable trade in furs between the north-western coast of America and China, in the practice of which the English were restricted. On these points, as well as with regard to increasing the facilities of trade in the Eastern Archipelago, and reducing the amount of tonnage requisite for obtaining a license for the trade with India, the two committees called for the opinion of several Directors of the East-India Company. These opinions were decidedly opposed to any further concessions, and as the statements made on behalf of the Company by Mr. Charles Grant appear to embrace all that could be urged on that side of the question, it will be sufficient to refer to them for the reasons upon which the

opposition was founded. Mr. Grant maintained that the monopoly of the China trade was necessary to enable the Company to carry on the administration of the government of British India, and that the desired relaxation of the monopoly would be injurious to the interests of the Company in China, if at all consistent with the maintenance of their footing in that country. He argued further, that the expectations of those parties who sought to participate in the trade would be disappointed; in support of which view he adverted to the jealousy with which foreigners were regarded in China, to the restrictions imposed by the government there on its own subjects in their dealings with foreigners, and to the exactions and insults to which the latter were subjected. "The sovereign of Great Britain," said Mr. Grant, "after sending repeated embassies to the Emperor of China, has failed to obtain any change in the jealous, narrow policy of that government. The India Company, after a settled connection of above a century with the country, is confined in all its operations" to one port and one restricted channel; "and preserving these only by great circumspection. What chance, then," he asked, "of greater influence can a number of unconnected individuals possess, when their very number and appearance must be more likely to increase the repugnance of that cautious government?" He reminded the committee that the East-India Company acted as an individual, that it had a unity of councils and of operation. "It is so far," said he,

"a match for the Chinese company, the Hong. Its imports are not depreciated as they would be if brought in by various individuals, each going to market for himself; in this way one might continually offer lower than another, and the general standard of the price of imports be lowered. In the purchase of goods for exportation directly the contrary might be expected; competition would enhance their prices; and thus the trade, both in imports and exports, would be turned against the British merchant by the number of dealers. If, indeed, there were in like manner many buyers and sellers on the other side, both parties might perhaps meet at a point of equality; but it is not to be forgotten that the Chinese hong would be like the Company's factory, but one individual; therefore the disadvantage would be both ways against the numerous and unconnected foreign dealers." Mr. Grant adverted to the danger of dispute and affray from an influx of ships and traders, with their crews and servants, actuated by the ordinary feelings and impulses, good or bad, of the country to which they belonged, owing no subjection to the Company's representative, and in all probability not disposed to yield any. The establishment of a consul on the part of the Crown Mr. Grant thought would be useless and embarrassing. The consul, he argued, "would not have that kind of weight which property and dealings give, but he would in some sort represent a great sovereign, and it might therefore not become his office to submit to indignities which the

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servants of a body of merchants could endure without incurring any disgrace." He referred to the frequent quarrels which had occurred between the Company's seamen and the Chinese, as well as the serious consequences that had resulted from them, and anticipated an increase of fresh disturbances from any approach to opening the trade. To the objection that American seamen resorted to China in great numbers without producing mischief, he answered that these were a different class of men from those employed in British ships. They received during the war double the pay of British seamen, and after the restoration of peace half as much more. They enjoyed other indulgences not granted to British seamen, were interested on their own behalf in the voyage, and were looking forward to becoming officers and commanders.

The trade carried on by the Americans between China and Europe Mr. Grant was disposed to treat as of small account. He believed that the whole amount of American importations from China to foreign Europe did not greatly exceed three hundred thousand pounds, and he asked, ought the long subsisting relations between England and China to be hazarded for the utmost possible profit of such a trade, or even for the amount of capital employed in it? The trade between China and the Indian Archipelago he represented as small and incapable of much extension. A very inconsiderable part of this trade was possessed by the Americans, the greater portion being carried on by British sub-

jects residing in India. The effect of the desired change, therefore, Mr. Grant argued, could be only to take some part of the trade from the latter class of persons and transfer it to their fellow-subjects residing in England.

The fur trade carried on between North-west America and China Mr. Grant regarded as unimportant. "If the whole of this fur trade," said he, "were in British hands, it need not employ more than one ship, or at most two, annually; but what rational hope can be entertained that the merchants of Great Britain could enter into a successful competition in this trade with the subjects of the United States, who are rather nearer to the north-west coast, and are already in actual possession of the trade?"

With Cochin-China and other countries, to which reference had been made, Mr. Grant did not think any opening for the extension of commerce existed, and he adduced as proof the fact, that though those countries were open for ships of three hundred and fifty tons and upwards, none had been sent. The restriction as to tonnage, he urged, was imposed, not for a commercial but for a political object; and though small ships might be preferable for shallow, obscure ports, where little trade could be expected, large ships were better adapted to carrying on commerce with countries like Tonquin and Cochin-China, having large, deep bays. Small ships, moreover, afforded an insecure medium of commerce among a people so treacherous as the Malays.

Such were the statements and arguments of one

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of the most able as well as most zealous advocates of the maintenance of the existing system, without change or relaxation. Other witnesses, some of them merchants of great eminence, including Mr. George Lyall * and Mr. Edward Ellice, of London, and Mr. John Gladstone, of Liverpool, offered testimony of very different effect; and, after examining the evidence on both sides and weighing its value, many impartial inquirers will be led to the conclusion that, on this occasion, the East-India Company were somewhat unduly sensitive as to the probable effect of relaxation. The concession of much that was asked was perfectly consistent with the retention of their right to the exclusive supply of Great Britain with the products of China, and of a general supremacy in the trade with that country. It was probable—it was almost certain, that the expectations which the mercantile interest entertained, or avowed, as to the extension of the market for English goods in China, would be in a great degree disappointed; but the fact, that the Americans had succeeded in introducing such goods to some extent, was beyond question, and why Englishmen should not enjoy the same advantage, whether it were great or small, it was impossible to shew.

The evils of competition, whatever they might be, were not matter for apprehension—they actually existed. The Americans were the competitors of the Company in the sale of British

* Now a Director of the East-India Company, and M.P. for the City of London.

goods at Canton, and English traders could have been no more. The East-India Company were, in fact, quite uninterested in the decision of the question, for all that was sought, in this respect, was the admission of British subjects to advantages already enjoyed by foreigners, and that with regard to a branch of trade into which the Company did not enter. The case is clearly stated in the evidence of Mr. Lyall. "The restrictions," he said, "prevent our carrying the produce of China directly to the continents of Europe or America, which trade is open to the Americans or any other power. The Americans and other powers also can take the commodities of this or any other country to China, from which British private traders are likewise excluded; and as the East-India Company do not carry on any direct trade from China to the continent of Europe or America themselves (and I believe are prevented by their Charter from doing so), the effect of the restrictions is to force a valuable trade (in which this country would participate largely) into the hands of the Americans and other foreign nations, without any British interest whatever deriving any advantage from it, not excepting the East-India Company; so that, in fact, they may be considered as virtually establishing a monopoly in favour of America, to the exclusion and prejudice of the whole British community."*

* The blunder of having suffered this state of things to continue, when, in 1813, so many old restrictions were swept away, shews how little discrimination the ministers of that date exer-

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With respect to the danger of disturbance at Canton, it was stated, that the difference of character between the British and the American seamen was exaggerated. American sailors, it appeared, did not, in all cases, participate in the advantages of the voyage, and they were believed, by competent judges, to be not more easily controllable than the same class of persons from Great Britain. At all events, some precautionary measures might have been readily adopted. The Company might have been invested with such a controlling power over all British subjects, as would have rendered it as practicable for their representatives to restrain the excesses of the crews of private traders, as those of the seamen navigating their own ships. This would, undoubtedly, have given rise to clamour, but absurd clamour should be disregarded. The limited character of the trade, as well as that of the commercial intercourse with the islands of the Archipelago and other countries, seems to afford but a very weak argument against admitting to its participation all who are fairly entitled to expect it. The same remark applies to the fur trade with America. Whether it were extensive or unimportant, lucrative or the reverse, why should any subject of the British Crown be restrained from engaging in it, or crip-

cised as to what they conceded or what they refused. Of similar incompetence to judge of the interests of Great Britain in the East, too many instances have occurred since as well as before the period referred to: not the least striking was the surrender of Java.

pled by unreasonable conditions, when, in the exercise of his enterprise and industry, he was guiltless of interfering with the rights, and even with the interests, of any of his fellow-subjects? The fur trade, as far as the English were allowed to embark in it, was subject to this hardship. The licenses granted by the East-India Company compelled those who traded under them to sell their furs in China for money, and to pay the proceeds into the Company's chest for bills on England. The difference of price between selling for cash and that which could have been obtained in barter for Chinese produce for sale in foreign Europe or America, varying necessarily according to circumstances, was reported as ordinarily amounting to twenty-five per cent. This was certainly an inconvenient interference with the natural and ordinary course of commerce, and the result was, that the transport of furs to China passed entirely into the hands of the Americans.

The restriction as to the tonnage of ships was, it appears, imposed principally from an apprehension of smuggling; and its expediency must be determined in a great degree with reference to this point. All such restrictions, however, are in themselves evil, and a strong case of necessity is required for their justification. The other reasons assigned for maintaining this restriction do not appear entitled to much consideration. Merchants and seamen may be supposed, in most cases, the best judges of the species of craft fit for navigating the waters in any given quarter, and those acquainted with the Indian seas

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might be allowed, without much danger, to determine for themselves the degree of risk which they incurred of being murdered by the Malays.

The reports of the two committees were, as must have been expected, favourable to a relaxation of the measures which the Company thought necessary for the protection of its privileges; but the existing compact was respected by the legislature, and no attempt was made to force a compliance with the suggested innovations. In the meantime the mercantile and manufacturing interests were gathering their strength for the fight which, at no very distant period, was to take place, and the issue of which was to determine the fate of the remaining privileges of the East-India Company.

Indistinct murmurings preceded the coming storm; and at length those anxious to participate in the restricted trade began to speak out. On the

A. D. 1829.

12th of May, 1829, the House of Lords was enlightened by a petition from Manchester, presented by the Marquis of Lansdowne. The petition, according to the statement of the noble marquis, prayed that the Lords would take into their early consideration the expediency of opening the trade to the East-Indies. It seems to have been forgotten that the trade was already open. The form of obtaining a license was required, and there was some limitation as to the ports to which ships were to proceed: such limitations, however, exist almost everywhere; and it must not be supposed that the petitioners sought unrestricted freedom of commerce. On the con-

trary, they modified their application for a consideration of the expediency of opening the trade to the East-Indies, by adding, "and of imposing such limitations upon that trade as might be consistent with the commercial and manufacturing interests of this country." The commercial and manufacturing interests of India were not deemed worth a thought. After some very general remarks in favour of the prayer of the petition, the Marquis of Lansdowne said, "he was well aware that the most extravagant expectations had been raised. Those expectations had arisen out of the depressed circumstances of the country, which induced persons to look out anxiously for an opening in which to employ their capital. The petitioners stated that the opening of the trade to India"—it being already open—"would be calculated more than any thing else to raise the manufactures and trade of this country to that prosperity from which they had fallen; and he was sure that, under such circumstances, the petition would meet with their lordships' attentive consideration." Lord Calthorp presented a similar petition from Birmingham. Lord Ellenborough, president of the Board of Commissioners, expressed his conviction of the great importance of the subject, but declined giving any intimation of the course which ministers intended to pursue.

On the same day the cry of free trade was raised in the House of Commons by Mr. Huskisson. When Mr. Canning thought fit to relinquish his seat for Liverpool, on the ground that the re-

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presentation of a great commercial town was inconsistent with the duties of an adviser of the Crown, he surrendered the borough to Mr. Huskisson, who did not participate in the scruples of his chieftain.* As the representative of Liverpool, Mr. Huskisson was, of course, the enemy of the East-India Company; and in presenting a petition praying for the abolition of such exclusive privileges as that body yet retained, he entered into a long and laboured statement, for the purpose of shewing the great extension of trade which had taken place since the cessation of the Company's exclusive privileges with regard to India in 1813. It appeared, however, from a counter-statement made by Mr. Astell, chairman of the Company, that the accuracy of the alleged facts with which Mr. Huskisson had been provided was by no means equal to the vivacity of the expectations which he had been instructed to profess. With regard to the comparative prices and qualities of tea, one of the points at issue, Mr. Huskisson subsequently declared that he knew nothing, except what had been told him, and what he learnt from price-currents. On another point, which related to the amount of tonnage employed in the India trade at different periods, Mr. Huskisson did not venture any explanation or defence.

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On Thursday, the 14th of May, Mr. Whitmore

* Mr. Huskisson was not at this time in office, having been compelled to quit it in consequence of his vote on the proposed disfranchisement of East-Retford; but he had been in office while member for Liverpool.

submitted a motion for inquiry, which was negatived without a division: it, however, furnished occasion for a very long speech from the mover, and some shorter ones from other members. Mr. Whitmore divided his subject into three heads—Great Britain, India, and China. Under the first Mr. Whitmore argued that a great opening might be obtained for the produce of our vast manufacturing power, and referred to the great increase which had taken place in the exportation of goods, and especially cotton, since 1813.* He appeared to feel disappointed at not finding a corresponding increase of imports, but attributed the deficiency, as usual, to the Company's monopoly of the China trade. In speaking of the interests of the Indian people, Mr. Whitmore poured forth a torrent of vague declamation;† and on China he contented

* Mr. Whitmore stated that, in 1814, the total amount of manufactured cotton exported was 818,203 yards, and that in 1828 it was 43,500,000 yards; that the value in 1814 was £90,000—in 1828, notwithstanding a great fall in price, £1,900,000. He did not state that this increased exportation had driven the manufacturers of India to starvation, and brought to ruin districts and cities previously flourishing and happy; nor did he state that the difference in the quality of English and Indian cotton goods vastly exceeded the difference in price.

† One or two extracts from Mr. Whitmore's printed speech (published by himself) may be sufficient to illustrate its tone and taste:—

"The monopolist, stripped of all his gorgeous but borrowed plumes, stands forth in his true character—an enemy to justice, a spoiler of other men's wealth, a destroyer of national resources, a contemner of the rights and liberties of the people."

"If I were a friend to monopoly, instead of being its most

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himself with repeating such statements as he found suitable to his purpose in Mr. Crawford's work on the Eastern Archipelago. The Chancellor of the Exchequer, Mr. Goulburn, thought the session too far advanced to admit of inquiry, and suggested its postponement until the next. Mr. Huskisson was for entering upon inquiry at once, as was also Mr. Hume. Mr. Vesey Fitzgerald* and Mr. Robinson† supported the views of the Chancellor of the Exchequer. Mr. Wynne lamented the continuance of the China trade for so long a period in the hands of the Company. Mr. Baring took an intermediate view between the opinions that had been advanced by other speakers, and appeared to have equal doubts as to the advantages and disadvantages of any course. Sir Charles Forbes thought the union of sovereign and merchant in the Company disadvantageous; but added, that, objectionable and faulty as the Company's government might be, it was preferable to that of our colonial governments; and he congratulated the natives of India on being placed under the government of the Company instead of the Crown. With regard to the China

inveterate enemy, I should say, banish every free trader from the limits of your charter, burn his ships, rifle his property, ruin his family; you would thus only follow out your own principles, and act consistently, if not justly."

* Afterwards Lord Fitzgerald and Vesey, and for some time before his death, in 1843, exercising with universal respect the powers of President of the Board of Commissioners for the Affairs of India.

† Now the Earl of Ripon.

trade, it was his opinion that the expectations formed of the advantages to be derived from opening it would be disappointed: that country was hermetically sealed against foreign commerce. The trade at Canton was carried on by a monopoly; the whole empire was managed by monopolies. The Hong merchants fixed the prices of the commodities, and the markets of Canton had maintained such a uniformity of prices for twenty years that the article of cotton had seldom varied beyond eight or ten tales per pecul. Trade was interdicted at every other port in China; and it was within his own knowledge, that an enterprising individual had fitted out a vessel for the purpose of forcing a trade in other ports of the empire, who had not only been unable to effect his object, but had been obliged to purchase provisions by stealth and with hard dollars. As to the trade with India, that, he contended, was to be increased only by that House. Let ministers begin by reducing the duties upon the commodities of India. A small duty was imposed upon English manufactures, and a heavy one upon Indian commodities. He asked, Was that reciprocity? Was that free trade? He hoped that the inquiry proposed would embrace, not our own interests merely, but those of the people of India. These statements and opinions, from one distinguished alike by his position in the commercial world, by his knowledge of India, and by his devotion to the interests of the people of that country, ought to have commanded deep attention.

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Mr. Astell afterwards addressed the House, in a speech marked by great ability as well as by great moderation. He said he had abstained from refuting the arguments and exposing the errors of the mover, in the belief that the proposal of the Chancellor of the Exchequer to enter upon inquiry in the next session would have been satisfactory. He was a friend to inquiry, because he deplored the ignorance which pervaded the country with respect to India, to which he attributed the prevailing prejudice against the Company; prejudice which, he was persuaded, full and impartial investigation would disperse. Referring to the alleged increase of exports to India, he denied that it was by itself a proof of increased prosperity. To be satisfactory upon this point, the increased export should be accompanied by an increase of import from India. The Company had long been alive to the necessity of encouraging production in India. The article of cotton had received especial attention. But the muslins of India, once so famous, had been supplanted by the manufactures of Manchester and Glasgow. European articles, he said, were to be obtained at the presidencies as cheap as in England. He should be glad to have an opportunity of examining the whole subject in the next session, but, in the meantime, he must maintain that the Company had not been inattentive to the prosperity and happiness of the people of India. The more the institutions which we had introduced became known, the more would the benefit of our dominion

be acknowledged. The country was improving under our government. Experiments ought to be undertaken cautiously, and conducted temperately. Most especially should we bear in mind, that we were not to look merely to the extension of the commercial resources of our own country, but that our first duty was to look to the advancement of the happiness of the millions in the East subjected to our rule.

Mr. Warburton complained of the impediments thrown in the way of Europeans desirous of visiting India, at the same time that he complained of the want of sufficient protection for the natives against injuries inflicted by such persons. Against one part of the existing system for the government of India he was singularly bitter. The constitution of the Board of Commissioners he thought highly objectionable. With respect to the persons who composed that board, no doubt they had the interests of our Indian possessions sincerely at heart; but how was it possible, he asked, that they could do any good when they held office only by the tenure of a day? The moment they had learned to do their duty they were removed to some other office, and new persons were introduced, just as ignorant of the state of India as their predecessors when they first became members of the Board. This subject, he declared, required the serious attention of the House.

Lord Ashley made some remarks in reply to part of

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Mr. Warburton's statements. He was followed by Mr. Brougham,* whose speech was devoted principally to pointing out the difficulties of the subject. He wished the entire abolition of the Company's monopoly, and if the mercantile question only stood in the way, it could, he said, be easily dealt with: but the difficulty was, how the removal of this monopoly could be accomplished with perfect security to the other great interests that were concerned —with safety to the essential interests of the immense country governed by the Company, and with safety, also, to its long-established government. When he said this, it would be at once conceived, that he did not wish to transfer that government to this country, because, though an anomaly, yet the government of India, as regarded the interests of the people and the maintenance of due and legal subordination, could not, he thought, be placed so safely in other hands, even if they lived to see the Company cease to be traders, and aspire only to be governors of a mighty empire. Taking into view every thing connected with the subject, he thought it better to defer inquiry until an early period of the next session. A short reply from Mr. Whitmore closed the debate. The result has been already mentioned.

Early in the session of 1830 the question of the renewal of the privileges of the East-India Company was introduced in both houses by the govern-

* Now Lord Brougham and Vaux.

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ment. In the House of Lords, on the 9th of February, Lord Ellenborough moved for a select committee "to inquire into the present state of the affairs of the East-India Company, and the trade between the East-Indies, Great Britain, and China." In his speech prefacing the motion, Lord Ellenborough adverted with some indignation to the fallacies and erroneous reports which, he observed, had been scattered through the country. Among these, he gave a prominence to one assertion, most industriously propagated—that the territorial finances of India derived no benefit from the commercial funds or profits of the Company. So far from that being the case, it would, his lordship said, appear from the documents laid before parliament, that, during the course of the sixteen years that had elapsed since the modified renewal of the Company's privileges, the territorial finances of India had been aided, either directly or indirectly, by as large a sum from the Company's commercial profits as had been appropriated to the payment of dividends to the proprietors of East-India Stock. In other words, the Company had applied to the benefit of the people whom they governed, a portion equal to that enjoyed by themselves of the net profit derived from the exclusive trade, against which so much interested clamour was raised. Lord Ellenborough, in other parts of his speech, alluded to the increased consumption of tea, and the reduction that had been effected in the price of that commodity; to economical reform, then an unceasing topic of discussion; to the substitution of

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native service for that of Europeans; and to the desire shewn by the East-India Company to increase the commerce of India with England, as manifested by a large reduction of the duties imposed on the importation into the former country of the manufactures of the latter, as well as by a corresponding reduction in the duties on the export of indigo and cotton, articles of great importance to British manufacturers. The Marquis of Lansdowne signified his approbation of the motion, and expatiated on the importance of the duty which the House was called upon to perform; after which the debate diverged into a discussion of a personal nature, which it is unnecessary to pursue. Lord Ellenborough's motion for the appointment of a committee was carried.

On the same day, in the House of Commons, Mr. Peel (now Sir Robert Peel) moved for the appointment of a select committee. Having stated his reasons for referring the whole subject to one committee, he proceeded to speak of the conduct of the East-India Company. Looking to the representations of which he was in possession, viewing the documents that were in his hands, he was bound to say, that any investigation into the conduct of that body would, he believed, tend to their credit. Contrasting the administration of the Company with that of any other colonial establishment that ever existed, he was convinced that their conduct had redounded greatly to their honour. On the commercial part of the question he refrained from giving

any opinion, while on that which he admitted to be the most important of all, the welfare of the people of India, he urged the propriety of endeavouring, while keeping them under British rule, "to atone to them for the sufferings they endured, and the wrongs to which they were exposed in being reduced to that rule; and to afford them such advantages, and confer on them such benefits, as may in some degree console them for the loss of their independence."

Here are admissions which do not seem warranted by facts. There is scarcely an instance in which any portion of the people of India have suffered wrong by being brought under British rule; and as to consoling them for the loss of their independence, the slightest knowledge of the practice of native governments is sufficient to shew, that under them no portion of individual independence subsists—that personal liberty and property are both held at the caprice not of the sovereign merely, but also of his minions; that to possess wealth is only to possess a title to the privilege of being plundered, and that the administration of what is called law has nothing to do with the maintenance of right; but that a judge, under such a government, stands towards a similar functionary in a well-regulated state, in the same relation in which a professional poisoner stands to a physician. So far from needing consolation for having been emancipated from the curse of being governed by their own countrymen, the subjec-

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tion of India to the mild yoke of Britain must be regarded by all impartial men as a subject for congratulation.

After some remarks from Mr. Whitmore, Mr. Peel submitted a list of the proposed committee. Sir James Macdonald and Mr. Hume objected to the introduction of the names of two or three East-India Directors, and General Gascoyne (member for Liverpool) took the same course, because one of the members named had written a pamphlet in favour of the East-India Company. The members, who were either led by their inclinations, or compelled by their position, to oppose the renewal of the Company's charter, seemed to think that no committee could be a fair one unless composed entirely of persons devoted to one side of the question into which they were to inquire.

This was noticed by Mr. Astell, who observed that he knew not why the defenders of the East-India Company were not to be heard in the house, or in the committee, as well as its professed opposers; nor why a gentleman who had been the public advocate of opinions hostile to the renewal of the Company's charter, and because he had presented petitions to the same effect, was on that ground to be appointed a member of the committee, while Directors were to be excluded, because their leanings were presumed to be the other way. "He had hesitated," he said, "about making these remarks, but they had been drawn from him, and he called

upon the House to say whether his connection with the Company was, under the circumstances, a fitting ground for his exclusion."

These observations called up Mr. Huskisson,* who maintained that there was a difference between the Directors and persons who had not the same degree of interest in the concerns of the Company. The applicability of this remark it is not easy to perceive. If a man entertain a strong feeling on any subject, it matters not by what motives that feeling is produced. The Directors were naturally supposed to be favourable to the retention of the Company's privileges: many members of the House entertained, and had expressed, strong opinions in opposition to them. Why are one set of partisans less eligible members of a committee of inquiry than another? Both may be excluded without unfairness, but to exclude one party and admit the other would be monstrous. The fact, if true, that the assailants of the Company were perfectly independent in their hostility, would avail nothing. But it was not true. Can any one say that the representatives of Liverpool and Bristol, pushed on by whip and spur to break down an exclusive trade, of which their constituents wished to partake, were more independent than the Directors of the East-India Company? Mr. Huskisson, indeed, during the latter years of his parliamentary career, main-

* Mr. Huskisson appears to have been the member alluded to by Mr. Astell.

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tained free trade doctrines with an earnestness which, if not the effect of conviction, must have originated in the less worthy sources of vanity or vengeance.* But his colleague, General Gascoyne, was not supposed to be deeply read in abstract doctrines of any kind, nor had he ever claimed the distinction to be derived from their advocacy.

Mr. Baring, who followed Mr. Astell, balanced the advantages and disadvantages of admitting East-India Directors to the committee, until it appeared almost impossible to determine in which direction the scale turned: on the whole, he seemed to conclude that it was preferable to have them. He thought the choice of the committee

* Mr. Huskisson's complete illumination on the subject of free trade came late. When his youthful admiration of the French revolution had been either removed by reflection or stifled by prudence, he obtained employment under the Anti-Jacobin administration of Mr. Pitt, by whom popular theories were not tolerated, and whose commercial policy, though somewhat more liberal than that of his predecessors, was yet remarkably cautious and guarded. With the party of which that statesman was the head, Mr. Huskisson continued to hold office for about twenty years, without breathing a whisper of free trade. Times changed, and Mr. Huskisson entered upon a mission for the dissemination of free trade doctrines with all the enthusiasm of a new convert, reserving only one important branch of trade from that perfect freedom which he claimed for all others, Mr. H. at that time representing a constituency (Chichester) whose welfare depended on the prosperity of agriculture. Not satisfied with upholding this exception in his place in parliament, he wrote a pamphlet for the purpose. Subsequently, when he became the member for a great commercial town, his zeal in the cause of this one favoured exception experienced a perceptible decline.

fair, but he said that he should go into the discussion with a strong impression that the task imposed upon them was beyond their power.

These views appeared to be adopted by Mr. Bright,* who, however, claimed that for himself which he denied to the committee. He should reserve to himself, he said, the right of judging the question just as if no committee of inquiry had been instituted. Mr. P. Thomson, who followed, accused his predecessor in the debate of inconsistency, he having, in a former session, been loud in calling for a committee. After Mr. Huskisson had objected to so many county members being placed on the committee, and General Gascoyne had given notice of an intention (which he did not fulfil) to move an instruction to the committee to take into consideration the trade with China, and the propriety of removing impediments in the way of a free trade with India, the committee was finally agreed to.

The committees of the two houses entered, without delay, upon the duty, for the discharge of which they had been appointed. The China trade was the first subject of inquiry, and the investigation was conducted, in the Commons committee more especially, with great and searching minuteness. Mr. Huskisson was one of the most active and diligent members. He was, as has been seen, a devoted partisan of one side of the great question in dispute, and the zeal which he brought to the service of the cause was on one occasion exhibited

* Member for Bristol.

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in a remarkable manner. The Company were by law * precluded from putting up their tea for sale at any price which, upon the whole of the teas put up at any one sale, should exceed the prime cost, with the freight and charges of importation, together with lawful interest from the time of the arrival of such tea in Great Britain, and the common premium of insurance as a compensation for the sea risk incurred. In the course of the examination of one of the witnesses called before the committee, it appeared that losses upon the outward trade to China were considered by the Company as losses upon remittances made to China for the purchase of teas. This fact was eagerly seized upon by Mr. Huskisson, who contended that it was a violation of the law, and that the Company had thereby forfeited their charter. He was not content with expressing a mere opinion on the point; he gave notice of an intention to propose that the committee should make a special report, giving it the weight of their united authority. This notable plan of annihilating the hated privileges of the Company at a stroke was defeated by the clear and convincing statements of a witness subsequently called—Mr. J. C. Melvill, auditor of the East-India Company's accounts.† His explanation of the operations of the Company was, "that all the Company's arrangements and remittances to China were made with a view, solely and exclusively, to

* 24 Geo. 3, cap. 38.

† Now Secretary to the Company.

supplying their treasury at Canton with funds for the purchase of tea."

This principle is the key to the whole series of operations performed by the Company for the purpose, and which are thus described:—The Company every season endeavoured to form the best practicable judgment of the quantity of tea that would be required to enable them to comply with the obligation imposed by law, of keeping a year's consumption on hand, and of the cost of such quantity. The next step was to provide the means of paying for it. This was effected in various ways. The Company bought cotton in India for consignment to China, which cotton was paid for in rupees received in reimbursement of that portion of the territorial charges of India which was payable in England. This was one mode. Another was, the receipt of dollars in China in exchange for bills upon India, which bills were paid in rupees procured in the same manner as in the former case. A third mode was, the purchase of British manufactures for consignment to China, which were necessarily paid for in sterling money. In addition to these various operations, a very small sum was provided by bills drawn in China upon the Company in London. These were the arrangements made for effecting the Company's object; and with regard to all, it was maintained, and most justly, that the prime cost of the tea which they contributed to introduce into England was the sum expended in sterling money in providing the means of purchase, whether by

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direct pecuniary remittances or by consignments of goods, which, with reference to this object, could be regarded in no other light than as remittances, together with the freight and charges of the homeward investment of tea. There seems little difficulty here, but various cavilling objections were taken to this mode of computation. It was argued that, according to commercial practice, the coin of a foreign country expended in the purchase of consignments to England should be converted into sterling money at the current rate of exchange. It was answered, that such might be the usage of merchants where funds for the purchase of consignments were provided by means of bills: it was not applicable to the transactions of the East-India Company; first, because it was not practicable to provide by bills the amount of funds required in China; and, secondly, that if practicable, such a mode would be incompatible with the existing financial relations between England and India. If the Company could buy the required quantity of tea by bills on themselves, their only means of meeting those bills would be the proceeds of the sales of the teas thus bought—that, consequently, they would be left without the means of defraying the territorial charges of India payable in Great Britain, comprising the reimbursement to the King's government of the expenditure incurred in respect of his Majesty's troops serving in India, the furlough and retired allowances of Company's officers, the cost of territorial stores sent to India, a portion

of the interest of the India debt, and other particulars. With regard to the modes of remittance adopted by the Company, it was stated that the least beneficial was the export of British manufactures; but this had been persevered in by the Company, partly from a natural inclination to push the sale of the commodities of their own country in foreign markets; partly, in former years at least, from necessity, the practice being enjoined on them; and, partly, from the expediency of providing, by various means of remittance, against the failure of funds in China—a consequence which might have resulted from a more restricted course.

With regard to the second of these reasons, it was mentioned that, so lately as the year 1826, a time when free trade was the creed of almost every party in the country, and certainly of the ruling party, the Board of Commissioners for the Affairs of India, Mr. Williams Wynne being president, had remonstrated against a diminution of British exports, which, from the state of trade, the Company had been compelled to make. This diminution too, it is worthy of remark, was in the export to India, a country open to every merchant who chose to send goods thither. Had the diminution taken place in the exports to China, where the Company had an exclusive trade, there can be no question that the remonstrance would have been stronger and more decisive. While, however, the mode of remittance by British manufacturers was, as compared with others, ineligible, it was believed that it could not

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be altogether discontinued without reducing the advantages of other modes. If more cotton were taken from India, the value of cotton in China would be diminished; if more bills were drawn, the rate of exchange would be affected; and, on the whole, there was reason to conclude that, by the combination of various modes, the trade of the Company had been conducted as beneficially as was practicable. But, however this might be, it was evident that, with reference to such mixed modes, the proper method of fixing the prime cost of the tea was a computation founded on facts for which the rate of exchange would not afford data.

Another objection related to the charge made for interest in the Company's calculations. A doubt was expressed whether the Company ought, in fixing the price of tea, to charge interest previously to the arrival of the tea, interest from that period to the time of sale being allowed by Act of Parliament. This objection was met by pointing out that private merchants, in making similar calculations, would certainly include interest of money as part of the cost of an article, and that, if excluded in the case before the committee, the upset price of the tea would not be, as intended, the sum of the prime cost and charges, but that of the prime cost and charges exclusive of interest; the result being, that the public would have the use of the Company's capital for nothing. This result, as was justly remarked, could not be believed to have been within the intention of the legislature. It is not undeserving

of observation, that in their calculation of interest the Company displayed a singular liberality. The charge for interest upon their outward consignments from England was for six months—the proceeds of these consignments, it appeared, were not realized for ten months. Again: they were entitled by Act of Parliament to charge interest upon the stock of tea in warehouse until the period of sale. They did not avail themselves of this permission to its full extent, their charge under this head being limited to eighteen months, while the average period that the tea remained in warehouse was twenty months.

In calculating exchanges, the Company had been accustomed to compute the value of fine silver at the old Mint standard of five shillings and two-pence per ounce. This had become obsolete, gold having for some time been the only standard in Great Britain, and it was urged that by adhering to the old silver standard the Company had fallen into irregularity and error. It appeared that, upon an average of all the years from the renewal of the Company's term of the government of India and exclusive trade to China to the period of inquiry, there was only a small fractional difference between the value of the rupees at the market price and according to the old standard.

It is unnecessary to pursue further the captious and querulous objections raised by the enemies of the Company, and successfully disposed of by its witness, Mr. Melvill. It is sufficient to observe, that his evidence effectually silenced the assertion,

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that the Company had forfeited their charter by a systematic violation of the law, and the threats which were superadded to that assertion. It was henceforth clear, that, whatever might be its fate for the future, the Company must enjoy its privileges for the remainder of the period secured by law, or be despoiled of them by a breach of national faith.*

Portions of the evidence taken before the committee had been reported to the House from time to time. A.D. 1830. On the 8th of July the chairman presented a report on the China trade, eminently distinguished by clearness, completeness, and impartiality. It exhibited a lucid and comprehensive abstract of the evidence without any expression of opinion. A shorter report on matters unconnected with the China trade, and being no more than an introduction to a part of the evidence, was also presented. On this occasion Mr. Trant expressed a hope that, in the following session, the committee which might be appointed would especially consider Indian affairs with reference to the interests of the natives of India. General Gascoyne reiterated his

* In one of his efforts to convict the Company of a systematic breach of the law, Mr. Huskisson fell into an absurdity inexplicable in a man of so much shrewdness. He supposed an adventure, in which the Company were to lose 500 per cent.; that is, were to lose five times as much as they placed in hazard; and asked with perfect gravity, whether they would feel the law not strained by fixing a rate which should cover that loss? The question does not appear in the printed evidence, it having been struck out in charity to Mr. Huskisson's reputation.

former complaints as to the construction of the committee, and condemned the report as betraying a partiality to the East-India Company. The enemies of the Company in the House were obviously disappointed by the results of the inquiry. Mr. Stuart Wortley defended the report, and Mr. Ward, the chairman of the committee, reminding the House that the report was only a summary of the evidence, stated that those members of the committee who were most opposed to the claims of the East-India Company expressed the highest opinion of its impartiality. He pithily added, that if the result of the evidence were favourable to the Company, it must be recollected that the committee had no power to constrain witnesses in their answers. Mr. John Stuart, a gentleman whose name was placed on the committee at the suggestion of Mr. Hume, added his testimony to the fairness of the report.* The committee of the House of Lords reported in a manner less elaborate than the Commons committee, but with some admixture of opinion.

In October the chairman and deputy-chairman of the Company were invited to an interview with the Duke of Wellington, prime minister, and Lord Ellenborough, president of the Board of Commissioners for the Affairs of India. The Duke of Wel-

* The report on the China trade is attributed to Mr. Arbuthnot. It is believed to be the first report drawn up on the principle of giving a brief summary of the effect of the evidence, with references in the margin to the questions and answers, where it may be found at length. The example of thus framing a parliamentary report has since been followed in several instances.

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lington, in opening the business, suggested the probability of the Company being permitted to retain the government of India, but deprived of the monopoly of the China trade. The chairman, Mr. Astell, pointed out the financial difficulties which would arise from such a course; the advantages which resulted both to India and Great Britain from the continuance of the Company's trade with China, and the necessity that the security of the Company's capital should be guaranteed in the event of any change. It was observed in reply, that the Company would have the security of their fixed property in India, and with regard to the assistance afforded to India from the China trade, it was hoped that the reductions of Indian expenditure which had been and might hereafter be made, would bring the charges within the revenue; that if not, the deficit must be made good by loans, or otherwise, as parliament might direct; but that, on the supposition of the revenues of India being no longer assisted by the profits of the China trade, it would be necessary to subject the expenditure to general and efficient control.

The communication of the King's ministers having been submitted to a committee of correspondence,* a minute was recorded by that body, declar-

* At this time, the members of the Court of Directors were, for the more convenient transaction of business, distributed into three committees, called the Committee of Correspondence, the Committee of Buying and Warehouses, and the Committee of Shipping. The first, which managed the territorial correspondence, consisted of the nine senior members of the Court, exclusive of the chairman and deputy-chairman, and these being

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ing that they could not recommend the Company to be a party to such an arrangement as that suggested by the minister of the Crown. It was remarked, that this was the first occasion, since the existence of the present system, on which a proposal had been submitted which, while it conferred no one advantage on the Company, put their commercial capital in hazard; leaving them without any security for the large sums which they had embarked in the government of India, except that which might be afforded by the property which they held in their own right, and which could not properly be taken from them. The advantage derived to India from the surplus profits of the China trade beyond ten-and-a-half per cent. (the amount to which the proprietors' dividends were limited) was pointed out, as well as the financial danger to be apprehended from the proposed change. These views, on being submitted at a later period to a Court of Directors, were approved and adopted by them.

Within a very short period of the interview which gave rise to the minute above mentioned, an important change in the King's councils took place. The administration, of which the Duke of Wellington and Sir Robert Peel were the chief members, resigned, and a new one was formed under Earl

members of all committees, the total number was eleven. From its construction, it is obvious that the Committee of Correspondence must have possessed great weight and influence, both in the Court of Directors and with the Company. The distribution of the Court of Directors into three committees still prevails, but the names and allotment of duties are changed.

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Grey. It was composed of Whigs of various shades of liberality, with the intermixture of three or four members of the party of Mr. Canning. Among the latter was Mr. Charles Grant, the new president of the Board of Commissioners for the Affairs of India.*

One topic of absorbing interest occupied the principal share of attention, both in the cabinet and in parliament; but in this place it is proper to advert only to such proceedings as were connected with the Company's tenure of government and exclusive trade.

A.D. 1831.

On the 4th of February, 1831, Mr. Grant moved the re-appointment of the Committee of Inquiry. Mr. Whitmore thereupon took occasion to express an opinion, that enough was already known to enable the House to take steps towards laying open the China trade. Mr. Hume concurred; while Mr. Cutlar Fergusson and Mr. Astell dissented from the views of Mr. Whitmore. On the 15th of April, Mr. Grant moved that notice be given of payment of the debt due by the public to the Company at the expiration of three years, preparatory to the cessation of its exclusive trade. On the 21st of April, on occasion of the Marquis of Lansdowne presenting a petition to the House of Lords from Glasgow, praying for a free trade to China, free trade to India, and permission freely to settle in India, Lord Ellenborough avowed, that it was

* This gentleman (now Lord Glenelg) has already been referred to on occasion of the renewal of the Company's privileges in 1813, as one of its most zealous and eloquent champions. His father, bearing the same christian name, was for many years an active director of the Company. Some of his efforts on its behalf are noticed in this volume, page 240, et seq.

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the intention of the government of which he was a member to open the trade to China, and that, to enable them to effect that object, their efforts had been devoted to reducing the expenditure of India. This mode of supplying deficiency, vaguely hinted at in the communication made to the chairman and deputy-chairman of the Company, by the Duke of Wellington and Lord Ellenborough while in office, was now avowed by the latter nobleman; and by exhibiting a motive previously concealed, the declaration assists in explaining the intense anxiety which had for some years been displayed to reduce expenditure, not only in cases where it was excessive, but in all cases without exception.

A dissolution of parliament having taken place, it became necessary on the meeting of the new one to re-appoint the committee on East-India Affairs, and a motion to that effect was made by Mr. C. Grant on the 28th of June. Mr. Whitmore complained that the directors of the Company had thrown impediments in the way of obtaining information. The charge was indignantly repelled by Mr. Astell, who maintained that the course pursued in the committee was strictly in accordance with the terms of its appointment. Mr. Cutlar Fergusson averred, that the directors had given every facility for inquiry by allowing access to their records, and charged Mr. Whitmore with having thrown every thing into confusion by the method, or rather want of method, with which he had conducted his inquiries in the committee. Mr. C. Grant

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also vindicated the directors from the suspicion of throwing any obstruction in the way of the inquiries which the committee had considered it their duty to institute. Mr. Hume agreed in the observations of Mr. Astell, who he said had clearly stated that, till the Company petitioned, the matter was in the hands of government; and Mr. Hume thought government should suggest some mode of conducting the business. Sir John Malcolm recommended that the various subjects before the committee should be looked upon as forming parts of an entire system; and Sir Charles Forbes, after reproving some members of the former committee for non-attendance, said that he hoped the interests of the East-India Company would be duly attended to, as the country owed to that Company a debt of gratitude. Sir James Macdonald thought inconvenience arose from there being two parties in the committee strongly opposed to each other; and Mr. Robinson attributed the difficulty to members going into the committee with pre-conceived opinions. The committee was re-appointed.

Notwithstanding the general feeling of satisfaction which had been expressed in the house with the conduct of the directors of the East-India Company in the inquiry, a feeling in which Mr. Whitmore appeared to be almost the only member who did not partake, and in which Mr. Grant had distinctly avowed that he participated, that gentleman, on the following day, complained to the chairman and deputy, that the opponents of the Company charged the directors

with a disposition to withhold information; that this notion was very prevalent, and that it was countenanced by the directors contending that the Company not being before the house, were not called upon in their corporate capacity, either to produce evidence in support of their own pretensions, or to expose the errors and mis-statements of their opponents. He added that the public were impressed with notions unfavourable to the Company, and that they were expected to come forward. In reply, the chairman, Mr. Campbell,* pointed to the progress that had been made by the committee; to the facility with which any further information might be obtained, either from the records of the Company, to which the Court were at all times ready to furnish access, or from the testimony of well-informed men; to the improbability that if a Court of Proprietors were convened, any thing they might do could be made available during the current session; and to the inconvenience and inexpediency of the Company petitioning without some communications of the views of ministers, similar to that made by the First Lord of the Treasury and President of the India Board during the late administration. The Court of Directors, it was added, might be disposed to meet the views of the ministers of the Crown, as far as could be done without compromising the interests of their constituents, or their own character; but the court would not recommend to the proprietors either to petition for a charter, or to receive one, unless the interests

* Now Sir Robert Campbell, Bart.

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of the proprietors were thereby secured, and the Company at the same time enabled to discharge all the obligations which might be imposed on them, with advantage to the State and credit to themselves.

Mr. Grant did not dispute the propriety of the conditions contended for by the chairman, but he said, the opponents of the Company complained that, from the difficulties and obstacles to which he had alluded, they were unable to make out their case, and could not, therefore, continue to take the lead: he thought, therefore, that it devolved upon the Company to come forward and shew grounds for the renewal of the charter. It was properly answered, that in reality the case of the Company was established by the failure of their opponents, and that when the Company petitioned parliament, they would be prepared to shew the expediency of maintaining the present system. Finally, the necessity, in reference to the numerous engagements of the Company at home and abroad, of an early communication of the views of government was pressed upon the president of the Board. Mr. Grant then said, that as it would not be possible to accomplish the presentation of a petition from the Company during the session, there was no alternative but for himself to take a more direct and leading part in the proceedings of the committee, than under ordinary circumstances he should have deemed it expedient for a minister in his situation to adopt. This, it will be recollected, was the very course recommended by Mr. Hume, and by him alone, in the House of Commons, on the preceding day.

The truth is, that the ministers were embarrassed. The opponents of the Company had enjoyed all possible facilities for shewing the evils resulting from its privileges, and they had failed; yet those privileges were doomed, and with or without a reason they were to fall.

Mr. Whitmore on the 20th July presented a petition from certain British and native inhabitants of Calcutta, praying the abolition of the East-India Company's monopoly.* This gave rise to some A. D. 1831.

* In reference to the views of the mercantile community of India, and the mode by which they were supported, a writer in the *Asiatic Journal* for July, 1833, notices several remarkable facts. He says, "We are in a condition to prove, that although the press of India is acknowledged, even by the loudest advocates of its liberty, to be, as regards the measures of the government, practically quite as free as the press of this country, it is or has been labouring under a thraldom, as respects the East-India question, of the very worst kind. It appears that a large portion of the Calcutta newspapers, which, to a certain extent, supply those of England and the rest of India with facts and notions concerning the subsidiary parts of the East-India question, have been under the direct influence and control of the mercantile interest at Calcutta, which influence and control, if we can trust to a Mofussil paper, have been abused. The fact that most of the papers of that presidency were influenced by the mercantile interest, and had no voice in opposition to that interest, was some time back proclaimed by the *Calcutta Courier*. More recently the *Meerut Observer* has directly connected several of the Calcutta journals with the houses of agency which have failed, and has charged them pretty plainly with guilty subserviency to their views. 'We can no longer forbear,' it observes, 'noticing the secret influence that is exerted over a portion of the Calcutta press, which tends to give security to dubious mercantile transactions, and to screen popular individuals from the scrutiny of public opinion.' As far as we can find out, it does not appear

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conversation, in which Mr. Cutlar Fergusson and Sir John Malcolm took part; but the result possessed little of interest, and nothing of novelty. The session closed without any further discussion of the subject, without any intimation of the intention of ministers, and without any result flowing from the evidence obtained by the committee, the tendency of which was decidedly in favour of a renewal of the Company's privileges.

A.D. 1831. Parliament again assembled on the 6th of December. On the 8th Lord Ellenborough, in moving for certain returns connected with India, adverted to the omission of any notice of the subject in the King's speech, and inferred from thence that it was

that more than one paper has noticed this imputation, and that paper is the *Bengal Hurkaru*. The other journals seem to have suffered judgment to go by default. The *Bengal Hurkaru* admits a connection with two agency houses, one of them that of Alexander and Co., which has lately failed. Amongst the statement of assets belonging to the other insolvent firm of Mackintosh and Co., we observe included, 'Share in the *India Gazette*.' Having shewn the fact of connection, and consequently that of control, we may, without at once adopting all the accusations levelled at this part of the Calcutta press by the *Meerut Observer*, surely draw some inference from the 'ominous and disgraceful silence' observed by the papers in question with regard to facts, which no one can believe were not within the knowledge of their conductors, or at least of their proprietors. The mercantile community of Calcutta being immediately interested in the overthrow of the existing system of Indian administration, may, therefore, be said to have been the chief instruments of betraying the people of England, for selfish objects, into their present state of morbid excitement upon the East-India question, by means of their salaried partisans in England, and their influence over the press in Calcutta."

not the intention of ministers to bring the question before parliament during that session. He disapproved of the postponement, expressed his belief that the Act of 1813 had been passed without proper consideration, and referred to an opinion to that effect, delivered by those who had since become the King's advisers. He thought the re-appointment of the committee indispensable; and if not revived, said he would submit a motion on the subject. A full inquiry into the financial affairs of India, he thought, was called for, as upon that would depend the question, whether the Company would be able to carry on the government without assistance from this country. Earl Grey admitted that ministers did not intend to bring on any measure on the subject of the East-India Company's charter during that session; pledged himself that ample time should be given for discussion, and intimated that he considered great part of the difficulty and responsibility attending the settlement of the question to have been obviated, by the extensive inquiries which had taken place through the committees of the two houses.

On the 27th of January, 1832, Mr. Charles Grant moved once more for the appointment of a committee. Mr. Courtney and Sir James Macdonald supported the motion. Mr. Goulburn wished to know, whether the committee were to report opinions, or only to collect evidence and put it in form. In reference to a suggestion of Mr. Grant, for dividing the committee into a number of sub-com- A.D. 1832.

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The committee met, and in the course of their labour collected the largest mass of evidence on
A.D. 1832. Indian affairs extant. On the 16th of August they reported to the House. Though not entirely free from the expression of opinion, the report is for the most part an abstract of portions of the evidence, with references to the minutes and appendices on which it is founded. The close of the session prevented any discussion in parliament, and the usual repose of a vacation suspended all reference to the subject until the end of the year.

Among the subjects which had occupied the attention of the committee, the most important and most exciting was finance. The accounts of the Company were divided into two great branches,—territorial and commercial. The most desperate efforts were made to shew that the commerce of the Company had been sustained at the expense of the territory—that the Company had no capital, and that the trade was a constant drain upon the revenue.

On the other hand it was maintained, that the Company had capital to a very large amount, and that the profits of their trade had not only paid the dividends on its stock, but had afforded a large surplus for the benefit of the territory, a surplus which would have appeared much greater, had not the adjustment of accounts between territory and commerce been made at a rate of exchange injurious to the latter, and arbitrarily imposed by the Board of Commissioners in opposition to the representations of the Court of Directors, for no apparent purpose but that of concealing the obligation incurred by that branch of finance, in regard to which the Company was only a trustee, to that in which it was a principal, administering its own affairs. These accounts, inevitably attended with some degree of intricacy, were thus involved in a labyrinth of confusion, well suited to the views of those whose object was to misrepresent and distort. Here, again, the Company found an able advocate in Mr. Melvill, by whose lucid, masterly, and convincing evidence, the errors and misrepresentations of their adversaries were exposed, and the question, whether territory had gained at the expense of commerce, or commerce at the expense of territory, triumphantly settled. Notwithstanding this, however, the accounts, at the suggestion of one of the leading opponents of the Company, were submitted to a professional accountant, selected by the Board of Commissioners. This gentleman (Mr. Pennington), after seven months' investigation, reported, that in the fifteen years commencing 1814-15, when

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the separation of territory and commerce took place, in conformity with the provisions of an Act of Parliament, territory had gained from commerce, exclusive of interest, £3,507,423, by the use of the Board's rate of exchange in repaying the sums advanced by commerce to territory; that the average annual profit of the India and China trade during that period was £1,009,047, and that from the management of private goods and other sources, £364,564; and that of the commercial profits during the fifteen years a sum of £4,923,021 had been directly applied to territorial purposes, to the liquidation of Indian debt, or in a manner that operated to prevent its increase.*

* The debts of India were incurred in defence of the country, and this the legislature, in repeated Acts of Parliament, had solemnly recognized. At the close of Mr. Pennington's report he referred to a table framed by an opponent of the Company, by which it was shewn that the territorial payments, including interest, between 1808-9 and 1827-28, exceeded the receipts by £16,576,570, while the increase of debt within that period was £16,947,711. "Upon this showing," Mr. Pennington observes, "it cannot be alleged that commerce received any assistance from territory during those nineteen years. The mischief must have been done before, and the wrong committed between 1794 and 1809." He adds, "If it could be conceded that the loss of interest occurred by the necessity of keeping, as well before as since the separation of accounts in 1814, a large balance of cash in the *territorial* treasuries of India, ought to be sustained by the commercial branch, in addition to the loss resulting from the dormant balances in the *commercial* treasuries of India and the treasury at home; if it be further conceded, that the advances for the capture of Ceylon and the Eastern Islands, the payment to the creditors of the Nabob of Arcot and the Rajah of Tanjore, the increase of dead stock in India, and the differences of accounts between the different presidencies, amounting altogether to be-

In December, the chairman received a communication of the views of government as to the conditions upon which the charter should be renewed, one of the most important among the proposed changes being, that the China monopoly should cease. The Company were to retain their political functions; but their assets, commercial and territorial, were to be assigned to the Crown, on behalf of the territorial government of India. In return, an annuity of £630,000 was to be granted, payable in England by half-yearly instalments, to be charged upon the territorial revenues of India exclusively, and to form part of the territorial debt of that country,—to be unredeemable for a limited period, after which it might be redeemed, at the option of parliament, by the payment of one hundred pounds for every five guineas of annuity. The new annuitants were to retain the character of a

tween four and five millions, were a charge upon the Company's trade, it might be admitted that, though there are mistakes and omissions in his statements [those of the framer of the table], he has succeeded in making out his main position, namely, that the debt of India has been invariably incurred in support of the Company's commerce. But these concessions cannot be made. The payments above mentioned, and the necessity of having constantly a floating balance of six to eight crores in the territorial treasuries of India, originated in territorial and political causes, and not in the wants of commerce. These payments and that necessity are quite sufficient to account for the increase of the Indian debt since 1793, without supposing that any part of its produce has been applied to the augmentation of the Company's commercial property. The augmentation of that property since 1793 appears to have resulted from the gradual accumulation of commercial profit, together with the increase of subscribed capital at that time authorized."

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joint-stock company. Some changes were suggested in the arrangements for the education of civil servants, with a view to create competition. Every British subject was to have the right of proceeding to the principal seats of government in India without license; but the right of visiting the interior, or of residing there, and of acquiring and holding property, was to be subject to regulation and restraint by the local government. It was further proposed to add to the power of the Board of Commissioners, by the following modifications of the system previously in operation:—That the receipt of a final and conclusive order from the Board for the transmission to India of any despatch, should bind the court to send such despatch by the first ship; that in case of the refusal of the court to prepare a despatch when directed by the Board, or to send out one altered by the Board, the Board should have power to send it out themselves; that the power of the court to recal a governor or commander of the forces should not be exercised without the veto of the Board; that the Board should exercise the same control over the grant of pensions and salaries below two hundred pounds per annum, and gratuities below six hundred pounds, which they had previously exercised over those of larger amounts; and that the home establishment and expenditure should be placed under the control of the Board.

These suggestions gave rise to a correspondence, in which numerous objections were taken to them on the part of the Company. The abolition of the

exclusive privilege of trading to China was especially noticed. It was denied that the China trade in the hands of the Company was productive of the usual effects of monopoly, inasmuch as they were compelled by law to bring forward a supply adequate to the demand, and to put up their teas for sale at the value of the prime cost and charges. The advantages of the China trade to India, both as affording a mode of remittance, and in the way of direct pecuniary benefit, were pointed out, as well as the risk in which opening the trade would place the continuance of our amicable relations with China, the probability of a deterioration in the quality of the tea imported under a free trade, and the danger to the revenue of Great Britain from an altered mode of levying the duties. The expectation that an open trade would extend the demand for British manufactures was alleged to be in opposition to facts elicited during the late parliamentary inquiry—namely, that the Americans took dollars and bills to China in preference to British manufactures; that such manufactures were not taken to any considerable extent by the commanders and officers of the Company's ships, who had the privilege of taking them free of freight; and that although large quantities had been sent by the private trade to India and the Eastern archipelago, they very rarely found their way from thence to Canton. The financial part of the proposed bargain was not considered satisfactory nor secure. The Company claimed, if deprived of their trade, full security for

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their dividends, and for the eventual payment of the principal, together with the means of making suitable provision for their many servants, whose interests would be seriously affected by a change of system; and these claims were pressed on the ground that the Company possessed a vast amount of property to which their title was indisputable.

A very long letter was addressed to the chairman and deputy by the president of the Board of Commissioners in answer to these representations.

In this document, Mr. Grant argued that the opening of the China trade could never be regarded except as a question of time and circumstance—that the exclusive privilege of the Company was only a means to an end, and that with reference to this view parliament, by renewing it for a term of years only, provided for a periodical revision of the arrangements adopted—that at various times the exclusive privileges of the Company had been greatly diminished—that an expectation existed that, on the expiration of the term granted by the Act of 1813, a further relaxation would take place—that Great Britain had to contend with many commercial competitors—that as the opening of the trade to India had caused an increased introduction of British manufactures into that country, so under similar circumstances might an augmented demand for the same commodities be created in China—that if the quality of the tea imported into England were in the first instance deteriorated by competition, competition would correct the evil—that the

question of the comparative security of the revenue derived from tea was for the consideration of the state, not of the Company, and that the revenue was not likely to suffer, unless it could be shewn that an open trade would produce less of surplus profit than a trade managed under exclusive privileges—that opening the trade between England and China would, in the opinion of well-informed men, tend to increase the trade between China and British India—that the apprehended dangers to our relations with the Chinese might be averted by judicious regulations, and that the prevailing system was rendered insecure by the increase of the country trade, which increase was illustrated by reference to some returns of tonnage and value of imports into Canton—that with regard to the advantage derived to India from the Company's exclusive China trade, his Majesty's ministers could not consent that India should habitually lean on England for financial aid—and that the government plan was not disadvantageous to India, as it proposed to apply the commercial funds of the Company to the use of territory.

On the question of security to the proprietors of India stock, Mr. Grant explained that, in placing it upon the territory of India, it was not intended that the payments of their annual dividends should be postponed to the claims of other territorial creditors. The claims of the Company, he thought, could not be extended beyond the property and revenues which they administered—they had no right to a

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continuance of the monopoly of the China trade, nor to a share in any tax to which the consumers of tea might be subjected, nor to a security upon the revenues of England. While the proposed plan was regarded by Mr. Grant as unobjectionable with respect to England, and beneficial to India, by the arrangements which it would facilitate for the purchase of the remittable debt, he urged that it was favourable to the Company by securing to them their dividends; by preserving and knitting together more closely the connection between the directors and their constituency, identifying their interests with those of India, and thus increasing their qualifications for the duties assigned to them in the system of Indian administration; and by relieving the directors from avocations inconsistent with their duties as rulers of a vast empire. Both the China monopoly and the right to govern India might, it was alleged, be withdrawn at the pleasure of the State; the pursuit of trade by the Company, when deprived of their exclusive privileges, it was thought, could not be beneficial even to themselves; and the interest of the Company in the property which they regarded as exclusively commercial was, it was stated, involved in a multiplicity of doubts very difficult to be escaped, except by such a compromise as was offered by the ministerial plan. The mere institution of inquiry, it was said, would be fatal to the Company—time would be required for such an inquiry—in the meanwhile the charter would expire, and the China monopoly terminate.

In such an event, from what funds, it was asked, were the dividends to be paid?

Much financial discussion followed. This was succeeded by the expression of a conviction that India would be capable of meeting the claims upon it,—by some remarks on the insecurity of the China trade,—by some general observations on the advantages of the ministerial plan to all parties,—and by a threat of proposing to parliament a plan for the government of India without the intervention of the Company, if the terms of the compromise were rejected.

On receiving this communication, three questions were put by the chairman and deputy-chairman of the Company to the president of the Board—first, whether the continuance to the Company of the government of India was to be subject to the condition of relinquishing their trade in perpetuity? secondly, whether it was intended to include in the proposed assignment to the Crown of the Company's assets that part of the commercial property which consisted of money actually subscribed by authority of parliament as capital for conducting the Company's trade? and, thirdly, for what term it was meant that the annuity of £630,000 should be irredeemable? Mr. Grant answered, that the dissolution of the Company formed no part of the government plan, but that their right to trade must remain in abeyance while the Company exercised political power under the new arrangement—that the proposed arrangement must include the whole of the Com-

pany's commercial capital in whatever shape—and that the term during which the annuity should be irredeemable was open to discussion.

This was followed by a letter to Mr. Grant, in which the views of the Court of Directors on the principal points adverted to in Mr. Grant's letter, and in the communications previously forwarded, were stated, and enforced at considerable length. The primary question was regarded to be this—whether the plan of the ministers were such as would enable the Company efficiently to administer the government of India. Referring to the opinion of ministers in favour of continuing the government of India with the Company as founded upon experience, it was observed, that the experience which was possessed was that of a system which it was proposed essentially to alter; and while it was admitted that it might be desirable for the Company to relinquish all connection with the trade of India, if the requisite remittances could be effected satisfactorily without it, the contemplated cessation of its trade with China was regarded as fraught with serious objections—as calculated to diminish the influence, character, and independence of the Company, and thus to incur the risk of converting it into a mere instrument for giving effect to the views of the Indian minister of the Crown, whose sway, it was apprehended, would be almost absolute, and little restricted by the vigilance of parliament, in consequence of the appearance of a check in the Company, which, it was feared, would be but illusory.

In reference to this last point, the court objected to that part of the ministerial plan which proposed to increase the powers of the Board and restrain those of the Company. Especial notice was taken of the intention to reserve to the Board the authority of sending out despatches disapproved by the court, without allowing any appeal;* and the court earnestly pressed the expediency, with a view to the security of India as well as to the constitutional principles of this country, of allowing an appeal on the merits of important cases on which the court and the Board might differ, or at least of providing for publicity, by the communication to parliament of such cases of difference between the two authorities.

Other points, in respect to which it was designed to increase the powers of the Board, were noticed, and the court then passed to the effect of the proposed changes in a financial point of view. The necessity of retaining the China trade, as an aid to the revenues of India, was strongly urged, and the claims of the latter country to the advantages resulting from the Company's trade powerfully maintained. The Company, it was alleged, had only derived a fair

* By 33 Geo. 3, cap. 52, an appeal lay, in certain cases of difference between the court and the Board, to the King in council. The object was to protect the Company's commercial affairs from the interference of the Board; but it is clear that such an appeal is open to an objection similar to one which has been urged against an appeal from a decision of the Lord Chancellor to the House of Lords—that it is virtually an appeal from the Lord Chancellor in a small wig to the Lord Chancellor in a large one.

mercantile profit from their trade, and the merchants who might succeed it would expect the same advantage. Some apprehension was expressed as to the power of effecting remittances, and it was anticipated that it would be necessary either to submit to sacrifice in the rate of exchange, in order to raise the requisite funds by means of drafts upon India negotiated here, or to make advances in India and in China on bills secured by a lien upon cargo. Doubts were thrown out as to the extent of any increased demand for British manufactures in China, and the facts previously brought to the notice of the Board were again briefly referred to.* These facts had been met only by an exposition of the principles of free trade, and by a reference to the results of opening the trade to India. To this mode of reasoning it was answered, that, setting aside the privileges of the Company, a great check to commercial enterprise was offered by the conduct and policy of the Chinese, and that the results of opening the trade to India had not been precisely those which were supposed—that the increase in value of exports from this country to India during the Company's last term, namely, from 1793 to 1814, was in a larger ratio than from the time of opening the trade; that though the quantity had increased during the latter period, the increase was much more than accounted for by the diminution in price, while both as to value and quantity the comparison would exhibit a

* See page 287.

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result favourable to the former period by excluding cotton manufactures; and that these were, to a great extent, a new article of export since 1814, sent into the markets of India, not as the consequence of free trade, but of the improvement of machinery and of other causes affecting trade generally. But, even were the fact otherwise, it was asked, what analogy is there between China, where an Englishman can plant his foot on one spot only, and that merely by sufferance, and where a jealous government imposes whatever regulations it thinks proper for the protection of its own manufactures, and India, where there is resident a large and increasing body of Europeans, and where the British government may provide, as it had done, by fiscal regulations, for the encouragement of the manufactures of Great Britain to the prejudice, if not to the entire destruction, of those of India?

In reference to the trade between India and China, the court, after shewing that the statements illustrative of the alleged increase were in some degree deceptive, as the earlier exhibited the imports into Canton from British Indian ports only, while the later gave the imports from all the ports in the East Indies, made the following remarks:—"The court must beg to remind you, that the cause of the large increase of the private trade from India to China since 1813-14 is to be traced to the rapid growth of the smuggled trade in opium. Out of the total value of private imports into Canton from India, amounting in 1829-30

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to 18,447,147 dollars, no less a proportion than 13,468,924 dollars was the value of opium. The trade in this article is prohibited by the laws of China, and it is consequently one in which the Company have never engaged. Had they done so, the comparative statements of the Company's and the private trade, to which you have referred, would have exhibited very different results. This explanation, the court think, goes very far to deprive any arguments, founded upon the growth of the private trade, of the weight which might otherwise have attached to them. And here the court cannot refrain from expressing their apprehension of what may probably be one consequence of an alteration of the existing system of our commerce with China. At present the Chinese government receive regularly a large revenue from the Company's trade; and, secured in the possession of this income, it is not very strict in enforcing its own laws against the trade in opium, which is so important to the Indian revenues. But if the general trade with China, instead of being under the management of one body, answerable for and controlling the whole, were transferred to the hands of private individuals, each pursuing his course according to his view of his particular interests at the time, there cannot be much doubt that the high notions of the free traders to which you have alluded, so utterly at variance with the jealous policy of the Chinese government, would not long be confined within the bounds which that policy has prescribed. Hence a

danger, by no means improbable, that the whole of the British trade would gradually become a smuggled one, and that in such an event the government of that country, finding their revenue from the trade no longer secure, might put an end to it altogether.*

In the tea trade it was pointed out that competition must be imperfect; because, though the trade might be thrown open as far as England was concerned, it would still in China be confined to the Hong, to which the Committee of the House of Lords, in 1830, reported the Company's influence to be a necessary and efficient counterpoise. The danger to be apprehended to the revenue of England from opening the trade was again glanced at, notwithstanding the rebuke with which its previous introduction had been visited, and the probable inefficiency of any officer of the Crown stationed at Canton compared with that of persons who were the sole managers of an extensive and valuable trade, was suggested.†

On the question of accounts it was declared, as it always had been, that the court had no desire to

* It is worthy of remark, that the conduct of the free traders has gone far to justify the apprehension expressed in the passage above cited. The trade has been suspended, and an expenditure of much treasure and some blood has been necessary to obtain its re-establishment. Even since that event, the British representative, Sir Henry Pottinger, has been compelled to address to his countrymen in China a lecture on the necessity of observing the laws.

† In this instance also the anticipations of the court have been verified.

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avoid the most searching scrutiny. Indeed, the most searching scrutiny had already been made; and it might well excite surprise, if not indignation, that in the state which the question had attained, any attempt should be hazarded to revive opinions long before exploded and assertions repeatedly and triumphantly refuted. "During the last three years," it was said, "Committees of parliament have been diligently employed in investigating the Company's accounts: information of every kind required for their elucidation has been promptly supplied; evidence tending to impugn their accuracy has been freely received, and has given rise to evidence of an opposite character. A professional accountant has been called upon by the Board to render assistance in this matter, and voluminous details have been furnished, sufficient for the completion of any investigation, however minute, which the most scrupulous objector could desire; besides all which, the amounts of two of the most material of the claims, those for the balance of war expenditure and with regard to the home bond debts, were long since vouched for by the decision of a committee of parliament. Yet now, within six weeks of the time when his Majesty's ministers have determined to bring the subject of the Company's affairs under the consideration of parliament, and to propose a final dissolution of the connection between the territory and the trade, you suggest that, previously to the Company's taking to themselves any part of the property claimed as their own, it will be necessary

to apply a searching scrutiny to their accounts, unless they acquiesce in such a compromise as that which you have proposed. And you ask, what, in the meantime, will be the situation of the East-India stock-holders? From what funds are the dividends to be paid?" To these menacing questions, the Company had a very ready and very satisfactory answer. The dividends, it was calmly stated, would be paid in the ordinary course from the proceeds of the Company's sales, which would continue until 1836, owing to the operation of the Commutation Act;* and a hope was expressed that by that time the inquiry would be terminated. This difficulty disposed of, the president of the Board was favoured, in return, by the suggestion of another. "What, in the meantime," the court inquired, "would the territorial branch do for funds? It can have no right to a farthing from the home treasury after April, 1834; and therefore, as you justly apprehend, 'a good deal of difficulty might occur in furnishing the funds necessary for the current home expenditure.'"

After examining and refuting some doubts on various financial points raised in Mr. Grant's letter, the court proceeded to one more monstrous than all the rest. The president of the Board had actually professed to regard as debateable the question, whether the whole of the Company's commercial property were not legally responsible for the debts and en-

* The act requiring the Company to keep in warehouse a stock of tea in anticipation of the demand.

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gagements which had been contracted, in the Company's name, for political and territorial purposes, and whether it would not continue so responsible, even although the Company should be wholly deprived of their political power and functions. This cannot fail to be regarded by posterity as an edifying specimen of the idea of equity entertained by cabinet ministers in the nineteenth century. It is to be hoped that the idle suggestion was thrown out heedlessly.

Thus was it answered—" We appeal to you, sir—we appeal to the King's ministers generally, whether it can consist with common justice, that the trading stock of a commercial corporation should be held liable for the political debts of the British empire in India, which empire would, in the case argued, be wrested from the Company by an act of power. The ground of the supposed liability is, that the territorial debt was contracted in the name of the Company. But, sir, if there be any validity in that reasoning, what, the court ask (and they do so with the utmost respect), what becomes of the territory itself, every inch of which has been conquered by, and is held in the name of, the Company? What becomes, again, of the civil servants of India, who are all under covenants to the Company? Or what, lastly, becomes of the India army, every member of which is bound by allegiance to the Company? Is it not abundantly clear that, as the Company using but one name, have united in a two-fold capacity, the mutual engagements and liabilities of the territorial and

commercial branches must possess their separate and distinctive characters, and therefore that the territory and the territorial debt must go together?"

While thus unreservedly asserting the real position of the Company with respect to the territorial debt, the court disclaimed any intention of resisting a settlement upon the principle of fair and liberal compromise. But they objected to the proposed annuity being secured on the Indian territory exclusively; demanded some further security of the interests of the proprietors by an effective sinking fund, based upon an investment in the national stocks of some portion of the commercial assets; suggested that, at the expiration of the term of the annuity, the proprietors should receive as much principal as was proposed to be applied out of their property to the discharge of territorial debt; and pointed out the propriety of fixing the commencement of the open trade at the completion of the period that might be allowed for winding up the concerns of the Company, and of making provision out of the Company's property for outstanding commercial obligations, as well as for compensation to servants of the Company whose interests might be affected by the change.

Mr. Grant confined his reply to a few of the topics previously discussed which appeared to him to be the more important. In reference to the increase of the powers of the Board, he observed, that now that the Company's commerce was about to cease, one source of difference between the Board and the

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court, namely, that arising from a doubt whether a despatch were commercial or not, would be removed, and that if the legality of the Board's instructions were questioned, some mode of bringing the question to a final decision might be found. He further suggested, that despatches, in future, should not be signed by the directors, or any of them, but by an officer of the court, to whom, in case of necessity, the Board could address its orders, and who was to be liable to the forfeiture of his office if he disobeyed the directions which he might receive. It is not easy to see how this proposal affected the objection to the proposed change, which was substantially that it would reduce the court into a Government Board. If the objection were well founded, the suggested remedy was worse than the evil complained of.

The court's request for publicity in cases of difference was distinctly rejected. The right to control the application of the whole of the revenues of India was claimed on behalf of the Board; but it was suggested that, with regard to the charges of the home establishment a specified sum might be agreed upon, thus exempting the details from interference. The necessity of securing the annuity of the Company upon India exclusively was maintained, and this principle, it was alleged, would be infringed by any large investment in the national stocks by way of guarantee. To a small investment the same objection was not believed to exist; and it was therefore proposed to begin with a sum of £1,200,000,

which, with its accumulated interest to the aggregate amount of twelve millions, was to form a collateral security for the capital stock of the Company, and to be applicable to its future redemption; any interest, after the attainment of this maximum of twelve millions, to be applied to the benefit of the territory of India by the court, with the approbation of the Board. An arrangement was proposed with regard to the debt from the public to the Company, which nearly corresponded in amount with that proposed for beginning the guarantee fund. It is most probable, indeed, that the amount of the former afforded the motive for fixing that of the latter. With reference to a point urged by the court, the necessity of making provision out of the Company's property for outstanding commercial obligations, and for compensation to officers affected by the change, Mr. Grant observed that the transfer of the property of the Company to the Crown involved the transfer of all obligations, whether taken on grounds of law, equity, or liberality. This was certainly a correct view of the subject; yet it had been doubted whether the transfer of the territory involved also the transfer of its obligations, or whether the deprived party did not, in spite of the deprivation, remain liable to them. The subject of education for the civil service was briefly adverted to in the letter, and an opinion expressed that the suggestions in the original communication should be carried to even a greater extent than was there proposed.

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A further letter was addressed by the chairman and deputy, on behalf of the Court of Directors, to the government, in which, after enumerating the sacrifices which the Company were called upon to make,* they urged that the Company's dividends, as well as capital, should be secured; and proposed that a sum in the Three per Cents., standing in the Company's name, should be added to the guarantee fund. The question of the term during which the annuity was to be irredeemable was revived, and it was presumed that the Company were to be secured in the government of India for that period. The necessity of publicity in differences between the court and the Board was again urged, and the conviction of the court was avowed, that publicity should be the rule, and not the exception. The

* It was observed, that "the court must keep prominently in view what it is that the Company are called upon to surrender, and what they are to receive as an equivalent. They are asked to surrender every thing which they possess as a corporation: their capital, computed at more than twenty-one millions sterling, every item of which is commercial in its origin, and in the character which it now bears; their right to trade, most valuable when considered in connection with that capital, and with the position and influence which the Company have established here and abroad; and which right, if they chose to exercise it, must greatly interfere with, if not altogether prevent, the advantages which private merchants expect to reap from a free trade with China; their pecuniary claims, some sanctioned by a committee of parliament, both in principal and amount, and all recognized either by parliament or in parliament by ministerial statements; their lands, forts, and factories in India, for which they have as good a title as that by which any private property is held; and, finally, their claims in respect of the territory at large, which up to the present time parliament has always reserved."

expediency of continuing to the court the uncontrolled power of making small pecuniary grants was touched upon; but the proposed arrangement for the home establishment was assented to, on the understanding that the sum fixed upon by the Board as a maximum was not to be varied at pleasure, but only in consequence of altered circumstances. The independent exercise of the power of recalling governors-general, governors, and commanders, was contended for as more important than ever; and the plan for transferring all the property of the Company to the Crown was objected to on various grounds, but more especially because the court believed that the proprietors would feel a strong reluctance to abandoning the interests of men who had served the Company with zeal and fidelity, to the care of others, who, having had no opportunity of witnessing their services, must be unable to appreciate them; and with a view to relieve the Indian revenues from charge, as well as for the accommodation of the merchants of London, and for the benefit of the persons employed, it was suggested that, for a time, the Company might continue the management of goods imported in the free trade, more especially as the amount received for agency defrayed a large portion of the expense of the commercial establishment.

Previously to the transmission of this letter in answer to Mr. Grant's, that gentleman had addressed another to the chairman and deputy, intimating his opinion, that the payment of the annuity should be

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fixed for a period when, according to probable calculation, the guarantee fund would amount to six millions; that the renewed term of the Company's political functions should be about fifteen years, although he thought it worth consideration whether the Company would not stand firmer and better if the Act contained no provision as to time; and that the number of directors might be reduced. This communication was followed, five days afterwards, by one of greater length, being an answer to the letter of the court. In this document, the president of the Board declared himself irrevocably opposed to any change in the amount or application of the guarantee fund. The period of forty years was suggested as that during which the annuity should be irredeemable; but it was intimated that the term of the annuity, and that of the duration of the Company's political functions, were questions to be kept entirely distinct. The suggestion that the renewal of the Company's political functions for an indefinite period would be preferable to fixing a term, was repeated. An intention was expressed of referring all pecuniary claims of old date, respecting which the court and Board might differ, to some independent authority; and a desire avowed of cooperating with the court in fulfilling the obligations of justice and liberality towards the servants of the Company. A very brief answer was made to this letter, the court merely stating that they had convened a special general court for the purpose of communicating to it the correspondence that had

taken place, but that they declined making any recommendation to their constituents on the subject; and adding, that they feared it might be impossible for them at any time to lend their sanction to the proposed scheme, as, independently of other considerations, the condition of binding up the interests of the proprietors with India would not be carried out, unless the Company retained the administration of the country for the whole time during which their interests were identified with it. Mr. Grant replied, vindicating the views of ministers.

The correspondence between the court and the president of the Board was submitted to a general court of the proprietors of the East-India Company on the 25th March. The chairman, Mr. Ravenshaw, introduced the subject in a speech, touching on the principal points in discussion, but abstaining from any decisive expression of opinion. The papers were then read; and this operation occupying five hours, the consideration of the subject was postponed till the 15th of April, after a motion for printing the correspondence had been made by the chairman and carried.

On the 15th of April the court again met, and the discussion of the question before it was protracted, by repeated adjournments, to seven days. After the reading of a dissent, recorded by Mr. Tucker, from certain parts of the letters addressed to the president of the Board by order of the Court of Directors, Sir John Malcolm moved a series of resolutions expressive of a disposition on the part

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of the Company to accept generally of the bargain proposed by the ministers of the Crown, but with certain modifications of the terms. The alterations suggested were, that the guarantee fund should be extended to such an amount as would, with the probable accumulations, be sufficient to redeem the annuity in forty years, and that it should be a security for the dividends as well as for the capital; that the Company should retain the government of India for a defined period, not less than twenty years, and if deprived of the government at or after the expiration of that term, should be allowed to demand the redemption of the annuity, retaining the liberty of resuming their undoubted right to trade; that all measures involving direct or contingent expenditure should originate with the Court of Directors, and a system of publicity be secured, applicable to important causes of difference between the court and the Board; and that sufficient power should be retained over the commercial assets, to enable the Court of Directors to propose a plan for providing for outstanding commercial obligations, and for the claims of commercial officers and servants of the Company affected by the new arrangements. An amendment, reprobating the denial of the right of the Company to invest their own undeniable property in the public funds, in place of drawing £630,000 per annum from the revenues of India, was moved, but withdrawn, as were also one for excluding from the resolution the words requiring that the Company's government should be renewed for a prescribed

period of not less than twenty years, and one to the effect that the Company should, for the purpose of remittance, continue to carry on the China trade in common with the public. Another amendment, for leaving the whole negotiation in the hands of the directors, and in the event of their not speedily obtaining a just compromise, directing that they should apply to the legislature, was then put and negatived. Another, proposed as a substitute for the original resolution, and the principal variation from which resolution consisted in an acknowledgment that the time had arrived for surrendering the exclusive trade with China, shared the same fate. This was followed by a further motion for an amendment, expressing apprehension from the indiscriminate access of Europeans to India; denouncing the opening of the China trade as perilous; claiming for the proprietors the power of investing their own property for their own security, or a guarantee if this power were withheld; objecting to the annuity of £630,000 per annum being made a burden upon the people of India; anticipating for the Company a successful trade with China, though deprived of all exclusive privileges and of the government of India; in the event of the Company retaining that government, calling for undiminished authority for the directors, and the right of submitting at all times any differences with the Board to the decision of parliament, and expressing sympathy with the commercial servants who would be deprived of employment. This amendment, too, was lost. An-

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other amendment, proposing to leave out the words fixing the rate at which the annuity was to be redeemed, was also lost; as was another, proposing to exclude the words "exercising the same powers as they do under the statute," from that part of the original motion which referred to the continuance of the Company's authority for a defined period. An amendment, approving of the abolition of the exclusive China trade, but impugning the security offered for the annuity, followed, and this was lost. Another, suggesting the abolition of the Board of Commissioners, an increase of the powers of the court of proprietors, and the continuance to the Company, for a limited period, of the right to trade to China in common with the private trader, was moved and followed its predecessors. The question was then formally put on the original resolutions, which were carried, on a ballot, by a very large majority.

These resolutions being communicated to the president of the Board of Commissioners, were laid by him before the cabinet, and the result communicated to the court. Ministers agreed to fix the amount of the guarantee fund at two millions, but refused to increase it beyond that sum; they agreed that the fund should form a security for the dividends as well as the principal, to the extent of raising money upon its credit if necessary—to fix at twenty years the renewed term of the Company's government, and to withdraw the suggestion that the Board should have a veto on the recal by the court of governors and military commanders in

India—to give the proprietors the option of having their annuity paid off, on three years' notice, at the expiration of the term for which the Company were to continue to administer the government of India, or at any subsequent period when their government might terminate, and to confirm their right to resume trade, if they thought fit—to maintain the principle previously existing with regard to expenditure, excepting only in future that no expense should be incurred without the previous sanction of the Board; and they offered no objection to the suggestion that sufficient power should be retained over the commercial assets to enable the court to provide for outstanding obligations and for the claims of commercial officers and servants, reserving only the full power of the Board to act as might be thought fit; but they refused to sanction the establishment of any means of publicity in cases of difference between the court and the Board, and intimated a belief that no practicable means could be devised.

The concessions made by the ministers were neither few nor unimportant; but the Court of Directors still thought it necessary to press two points claimed in the resolution of the general court, but refused by ministers. They urged, that when it had been proposed that the sum set apart for the guarantee fund should be about two millions, the term of the annuity had not been fixed, and that as forty years had since been determined on, the guarantee fund, with its accumulations, at the

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end of that term, ought to be equal to the amount of capital to be discharged. To act upon this suggestion required about three millions to be set apart for the commencement of the guarantee fund, instead of two millions. The other point, which the court never ceased to press upon ministers whenever an opportunity occurred, was the necessity of publicity. By this, it was explained, they did not mean the establishment of any tribunal of appeal productive of delay and expense, but only an enactment requiring that whenever the court should, after previous remonstrance, pass a resolution of protest against the orders or instructions of the Board, such resolutions should be laid before both houses of parliament. This, it was contended, could have no prejudicial effect; it would interpose no difficulty to giving full effect to the final orders of the Board, inasmuch as the communication to parliament would not be made until after the orders had been dispatched. On both points the answer of the minister was a peremptory refusal of compliance.*

* The entire reasoning by which the refusal of publicity was supported will be found in the following extract from Mr. Grant's letter, dated 4th of June, 1833 :—

" I now proceed to the second of the two points on which the court are solicitous for farther concession. I allude to the proposition that, in any case in which orders dispatched to India by the overruling authority of the Board shall have been protested against by the directors, it shall be competent to the directors, after the transmission of such orders, to lay their resolution of protest before both houses of parliament. This proposition has engaged the renewed attention of his Majesty's ministers; and, notwithstanding the explanations of the court, the ministers cannot precisely

The decision of the government upon these questions having been laid before the Court of Directors,

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comprehend the grounds on which the proposition is so strongly pressed. If the court mean only that they ought to have the power of inviting the attention of parliament to any matter of public policy which has placed them in collision with the Board, and which is, in their opinion, of a nature to call for such a proceeding, it is plain that this power already belongs to the court, in the constitutional privilege which, in common with all other subjects of the realm, they undoubtedly enjoy, of approaching either house of parliament by petition. Of this privilege, and of all that right of appeal which it necessarily involves, to the judgment of the legislature and to the arbitration of public opinion, and of the means with which they are thus provided of checking any illegal or unconstitutional proceedings on the part of the other branch of the home government, they are already in secure possession. No new recognition of the existence of such a power can be necessary; and probably the exercise of it would be rather embarrassed than assisted by any attempt to prescribe the mode, or to define the occasions, of putting it in action. But if any power materially different from this be contemplated, his Majesty's ministers must declare themselves unable to accede to the suggestion. It might, indeed, be enough for them to observe, that the proposition is too indistinct to be accepted in its present form; but they object to it on independent grounds. They are satisfied that, for all practical purposes, the court are already invested with sufficient powers; and they cannot but object to the introduction into the system of the home government of any principle of which they cannot admit the necessity, and which, whatever be the precise shape that it may assume, cannot fail to operate, as they apprehend, very prejudicially to the purposes of good government."

On this passage it may be remarked, that the power of approaching parliament by petition does not answer the purpose which the court had in view. Such a measure could never be resorted to but on occasions of overwhelming importance, and when some intolerable grievance pressed too heavily to be borne in silence. Such a proceeding would be a declaration of war by one authority against the other, and all possibility of subsequent co-operation for the public good would be precluded. By the

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a resolution was proposed by the chairman, declining to recommend to the proprietors to consent to a departure from the required amount of guarantee, or to surrender their views on the importance of publicity. The resolution was lost, and another, expressing continued adherence to the views of the general court, but recommending compliance with those of ministers, was carried. From this, the chairman, Mr. Marjoribanks, and the deputy, Mr. Wigram, dissented.* The result of the decision of the Court of Directors was a reference of the subject to a general court, which met on the 10th, when the views of the majority of the Court of Directors were adopted and confirmed.

On the 13th of June, Mr. Grant, in his place in parliament, moved for the House to resolve itself into a committee on Indian affairs.† On the

plan suggested by the court no such effect would be produced. Certain papers would be laid before parliament as a matter of course, and the degree of attention which they received there might be expected to be proportioned to their importance.

It would be difficult to discover, in the proposal of the court, any thing to justify the charge of indistinctness. So far from being indistinct, it is remarkably precise. The imputation of indistinctness does, indeed, lie against the apprehensions that the plan would operate "very prejudicially to good government." No attempt is made to explain the nature or mode of the apprehended operation, and we may in vain draw upon imagination to supply the deficiency. The president of the Board was clearly not a disciple of Jeremy Bentham, to the extent of holding that "publicity is the soul of justice."

* Their dissent related to both points in dispute. It will be found in the Appendix to this volume.

† The house was miserably thin, and on a subsequent day

question that the Speaker do leave the chair, Sir George Staunton moved, by way of amendment, a string of resolutions relating to the China trade, which having been negatived without a division, the House went into committee. Mr. Grant's speech, introductory of the resolutions which he was about to propose, was extremely long, but most of the topics had been discussed until no fertility of invention could impart to them any novelty of illustration. He panegyrized the Company's government, contrasting it with the government of

(July 10) Mr. Macaulay thus adverted to that fact. "The house," he said, "had neither the time, nor the knowledge, nor the inclination to attend to an Indian budget, or to the statement of Indian extravagance, or the discussion of Indian local grievances. A broken head in Cold-Bath Fields excited greater interest in that house than three pitched battles in India ever would excite. This was not a figure of speech, but a literal description of fact; and if he were called upon for proof of it, he would refer to a circumstance which must still be in the recollection of the house; namely, that when his right honourable friend Mr. C. Grant brought forward his important propositions for the future government of India, there were not as many members present as generally attended upon an ordinary turnpike bill."

In reference to this, the following note appears in the *Asiatic Journal* for August, 1833:—"We have the best authority for stating, in confirmation of the above remark, that throughout the committee on the bill there were rarely more members present than sufficed to 'make a house,' and many times less than that number"—less than forty!—"that several of the members present were asleep, or appeared to be so, and that the discussions upon the most important details of this tremendous measure were principally between Mr. C. Grant, Mr. R. Grant, and Mr. Macaulay, on the one side, and Mr. Wynne, Mr. Hume, and Mr. Buckingham on the other." Thus have the interests of India often been treated in a British House of Commons.

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native princes in India, and with the government of the colonies of Great Britain and other European nations. One point in its favour, advanced by the president of the Board, was, that by the interposition of the Company between the government and the people of India, that country had been preserved from being agitated by those constant fluctuations of party and political feelings, which were so powerful here, and which would have opposed so formidable a barrier to improvement. Mr. Grant, however, objected to the union of trade with the East-India Company's government—a union which marred its efficacy; and this he thought was a generally-admitted principle until he found two members of that house taking a different view.* He objected to it, not on the ground of theory merely, but of practical inconvenience. Another evil, he thought, in the existing system was the want of a proper check on the expenditure of the subordinate presidencies; and a further evil was found in too much interference from home. Adverting to the question of the continuance of the China monopoly, he said it was one on which the nation had made up its mind; but he admitted that, if as a minister of the Crown he felt that the decision of the nation was not founded in justice, it would not become him to come forward to propose a change in conformity with it. He then pronounced a panegyric

* Sir George Staunton and Mr. Charles Marjoribanks. For Mr. Grant's opinions on this subject in 1813, see vol. iv. pp. 237, 238.

upon free trade and its results, and expressed his conviction that the time for the natural termination of the China monopoly had arrived. The profits of the China trade, he said, were declining—which was true, but the Company had not expressed any wish to be relieved on that account from the burden of supplying the people of England with tea; and the clamour raised by the mercantile interest for permission to participate in the trade shewed their conviction that there was yet some profit to be derived from it. The jealousy and caprice of the Chinese character Mr. Grant considered as forming other grounds for discontinuing the monopoly—they might rather have been adduced as reasons for maintaining it. He expatiated on the increase of the trade between India and China, and, either from forgetfulness or some other cause, produced to the house the same statements which the Court of Directors had shewn to be defective—unaccompanied too by the explanation which accounted for the increase by referring it to its true cause, smuggling.* Having noticed the plans suggested for levying the duties on teas, and the intention that the Company should not suddenly discontinue its establishments for the fabrication of silk, Mr. Grant came to the financial arrangements by which the Company were to give up the whole of their privileges and property for an annuity secured on the territory of India. After some observations intended to shew that India was capable of bearing this additional burden, he proceeded to notice the intended ex-

* See page 295.

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tension of the power of the governor-general over the subordinate presidencies—the change proposed to be made in the state of the law, by subjecting Europeans to the same jurisdiction with natives,—the removal of all disabilities for office on account of birth or religion,—the issuing of a law commission,—and the appointment of two suffragan bishops for Madras and Bombay. He then moved three resolutions, the effect of them being to approve of the opening of the China trade,—of the surrender of the property of the Company to the Crown on condition of receiving a stipulated sum from the territorial revenues,—and of the continuance of India under the government of the Company.

Mr. Wynne approved of the opening of the China trade, but he wished some further changes in the mode of governing India. He required that the number of directors should be reduced to six or eight; that they should be nominated by the Crown, and that each of them should have been resident in India twelve years. He remembered, he said, that during the time he was officially connected with the Board of Control, out of seven gentlemen with whom he had successively to communicate as chairmen of the Court of Directors, four had never been in India.* Mr. Wynne, however, seemed aware that serious

* The Court of Directors has never been without many members personally acquainted with India, and it is desirable that it never should; but there seems to be no reason why this qualification should be required from all, nor why the chairman of the court, any more than the president of the Board, should possess it. Mr. Wynne had held the latter office, and it is believed that he was never in India.

objections lay against his plan of transferring to the Crown the entire government of India. He protested against any comparison between the government of India and the government of their colonies by European nations, because India was not a colony, but a mighty empire. This may be admitted; but the point sought to be established by those who made the comparison * is unshaken. India is a dependency of Great Britain, deriving her government from that country; so also are various colonial possessions in the West-Indies and elsewhere. Here, then, is a similarity of situation. But India, which has been ruled through the intervention of the East-India Company, has been governed far better than those outlying portions of the British dominions which have been subjected immediately to the Crown. The analogy is sufficient to warrant the conclusion, and the result is most honourable to the East-India Company. Mr. Wynne thought many better ways of disposing of the patronage of India might be found than that of continuing it with the directors; and he referred to Lord Grenville's plan, proposed in 1813, and then torn to pieces by Mr. Charles Grant, the younger.† The

* Sir Charles Forbes, Sir Robert Peel, Mr. Grant, and others.

† The plan, Mr. Wynne said, of putting up a certain number of appointments for competition at the universities and public schools, had, since its original suggestion, been carried into execution, alluding, it is presumed, to his own proceedings in that way. It is undoubtedly right that there should be an adequate test of qualification for the civil service, but competition does not afford either a just or an efficient one. Not a just one, for candidates

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absence of responsibility Mr. Wynne thought a great evil; and this arose from the Court of Directors and the Board of Commissioners acting together. The continuance of this evil, it should have been recollected, was not with the consent of the authorities of the Company: the directors had strenuously contended for giving publicity to the differences, when any might arise, between themselves and the Board. Mr. Wynne, after some remarks on the change contemplated in the relative positions of the government of India and the subordinate presidencies, concluded by saying that he disliked delay, but recommended that the subject should be suffered to stand over to the next session.

After some remarks from various speakers, Mr. James Silk Buckingham proceeded to attack the East-India Company, and all connected with it. Mr. Cutlar Fergusson followed, and appealed to the

would frequently fail, not because they were positively deficient, but because they were inferior to others, or appeared to be so; for the results of public competition are influenced as much by the temperament of the candidates as by their acquirements. Comprehensive intellect and solid attainments will be vain, if unaided by the power of rapidly bringing them into action; while, on the other hand, nervous excitement will often frustrate the success of even the most brilliant powers. The inefficiency of competition is shewn in this, that at the utmost it can only secure the best among those who enter the field, none of whom may attain any high standard of qualification; and as the degree of learning requisite for success depends on accident—as it will vary from year to year according to the general proficiency of the candidates, a youth who would pass with comparative credit in one year would be rejected in another. The pretended test of competition is therefore no test at all.

comparative condition of the Company's territories and those of native princes, as evidence of the good government of the former. He testified, from personal knowledge, to the feeling entertained by the Indian government towards natives; and said, that if he were to point out a fault in this respect, it was that the leaning was towards the natives rather than towards Europeans. Mr. Fergusson defended the exercise of the patronage of the Company, as having been performed with a degree of good faith, honour, and integrity, never surpassed; and concluded with pointing out the difficulties of improving the state of the law in India. The discussion, if discussion it might be called, was cold, meagre, and purposeless. The resolutions were, of course, carried.

On the 17th of June they were carried up to the Lords, where some conversation took place on the propriety of laying before the House additional information. On the 28th, Mr. Grant, in the Commons, presented a bill, founded on the ministerial plan of compromise with the East-India Company, which was read a first time.

The great outlines of the bargain between the government and the Company were now settled; but there remained many points connected with the administration of the government of India to be arranged. The most important of these were, the proposed separation of the north-western provinces from the Bengal presidency, for the purpose of forming a separate government; the determination

of the powers of the governor-general in council; and the constitution and functions of the subordinate governments. The ministerial bill was framed to give effect to the first-mentioned object. It endowed the governor-general in council with the sole power of legislation, and deprived the subordinate governments of the power of creating any new office, or granting any salary, gratuity, or allowance, without the previous sanction of the chief government. The governor-general only was to have the assistance of a council. The administration of the affairs of each presidency was to be vested in a governor alone, unless the Court of Directors, with the approbation of the Board of Commissioners, should, in any particular case, determine to the contrary.

The council of the governor-general was to be increased by the addition of two members. During the progress of the bill through parliament, the number of additional councillors was reduced to one. The new councillor was not to be chosen from the servants of the Company, and his appointment by the Court of Directors was to be subject to the approbation of the Crown.* While all legislative power was con-

* From nothing that appeared in the clause relating to this appointment could any conjecture be formed of the reasons for it, of the ground of the limitation that the new councillor should be appointed "from amongst persons who" should "not be servants of the Company," or of his being destined to any particular class of duties. In its passage through parliament the clause was amended by adding a provision, that the councillor thus appointed should not be entitled to sit or vote in council, except at meetings

centrated in the chief government, its extent was greatly increased by other provisions. The governor-general in council was empowered to legislate for all persons, whether British or native, and for all courts of justice, not excepting those established by royal charter.* The formation of a uniform code of laws for India was contemplated, and with a view to this end a law commission was to be organized and paid.

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On the 5th of July, in the House of Lords, the Marquis of Lansdowne moved the concurrence of their lordships in the resolutions sent up from the Commons. In introducing this motion, the noble marquis first addressed himself to the China trade. He affirmed, that the trade of the Company was a losing trade—but this the figures which he adduced did not establish; they only shewed that the profits of the trade had undergone some diminution. In answer to the position, that the character of the government of China is inconsistent with the admission of individual enterprise and private speculation, he asserted that the Chinese government, despotic as it is, could not oppose itself to the

for making laws and regulations. From this proviso, as well as from the fact that barristers only have hitherto been selected for the newly-created appointment, the peculiar duties of the new office may be inferred.

* Under this authority, the governor-general in council has exercised the power of repealing and varying acts of the British parliament. The act which was founded on the bill under notice is specially exempted, as are also the Mutiny Acts, any act to be thereafter passed relating to India or the East-India Company, and some other parts of British law.

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wishes, the feelings, and the interests of the Chinese people. He illustrated this by referring to the opium trade from India to China—a reference from which he would certainly have abstained had he spoken a few years later. To the mode in which the Company had exercised the administration of the government of India, his lordship did justice. After a variety of financial details he adverted to the intention to render natives of India universally admissible to office; to the state of the law in India, and the necessity of compiling a code; and to the more free admission of Europeans to India—on all which points he, of course, justified the course proposed to be taken in the ministerial measure.

Lord Ellenborough, who followed, after speaking to the financial part of the question, admitted that some compromise, similar to that submitted to the House, would have taken place under the administration with which he was connected; but, he said, it was not intended to restrain the Company from trading. He expressed an apprehension that the character of the constituent body, the proprietors of India stock, would be deteriorated by the contemplated changes, and contrasted the position of the Company with respect to India before and after those changes. "Hitherto," said his lordship, "they have derived their dividends from the profits of commerce. Those profits have relieved the revenues of India. Then they appeared as beneficent conquerors, deriving no other advantage from their conquest than what a generous system of commercial intercourse

with the conquered realized : what will be their condition now? They will appear in the very undignified and not very popular character of mortgagees in possession, all their profits being derived from sums drawn from the Indian people." Other parts of the ministerial plan his lordship considered still more injurious. His hostility was especially directed against the proposal that Indian governors should be relieved from the restraint of councils, and that the supreme government should legislate for all India. In reference to the former he said, " When first a man comes to be acquainted with the workings of the Indian government, I admit that his first impression is, that it would be convenient that the governors should not be embarrassed by councillors. There is hardly a circumstance which would not at first sight induce him to pronounce that opinion. There is delay, embarrassment, and annoyance, in having a proposition discussed in council, in writing minutes, and going through all those operations in a small room which are gone through by the ministers here in the two Houses of Parliament. It is, my Lords, in truth, very inconvenient, but it makes the government of India a government of record ; it makes the government here a judge of the propriety of those acts done in India—but more than that, it controls the passions of the governor—it requires from him reflection as a preliminary to action—it leads to that constant record of proceedings which again establishes a certain, an ultimate, and not distant responsibility ; it is a true security

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against the abuse of absolute power. In taking the councils from the governors of India, you take from the people the best security for good government. I care not what theorists may advance—you may talk to 'persons acquainted with the philosophy of man and of government,' as one of the witnesses before the House of Commons expresses himself; but you know not man, nor the nature of man, if you suppose that absolute power can be exercised beneficially for a people without placing that absolute power under responsibility, and requiring from it reflection before it acts. But you propose in this case to take away this responsibility and this necessity for reflection; nay, more than this—for what are the future powers of this governor to be? Will any respectable man take the office? He is to be deprived of the power of legislation!—of the power of expending a single shilling! And yet to this man, so degraded by your jealousy, you leave the whole executive power of the government, without that control with which the prudence and wisdom of former parliaments have surrounded it." In reference to the proposal to place with the governor-general in council the sole power of legislation for India, his lordship asked, "Can they legislate for distant places as well as if they were on the spot? Is it possible for them to legislate for the whole of India, fixed as they will be at Calcutta, so satisfactorily as a council being in the country where the laws are to be applied? It is evident they cannot. Legislation will be much better performed, as it

has been, by a local than by a distant government." To profess to open all offices to natives Lord Ellenborough regarded as "a mockery." "The very existence of our government in India," said he, "depends upon the exclusion of the natives from military and political power in that country. They should be eligible to hold every office which could be held by them with safety to the State; but we are there in a position not of our own seeking, a position from which we cannot recede without producing bloodshed from one end of India to the other. We won our empire by the sword, and by the sword we must preserve it. It is the condition of our existence there; but consistently with that condition let us do every thing to benefit the people and *for* them, although, at present, perhaps it is not possible to do much *by* the people. I confess, when I look at all the great achievements of our predecessors in that country—when I look at all they have done both in war and in peace—when I look at the glory which first dawned upon our opening career, and at the real benefits which successive great men and wise statesmen have conferred upon the natives of that great empire—I do contemplate with dismay this crude, undigested mass of ignorant theories, formed by persons who know nothing of India, and who *will* know nothing of India; who imagine that men possessing all the passions and all the prejudices which we ourselves possess, can be governed as if they were cyphers; and who place at the head of an absolute government, contrary to all

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experience, and contrary to the recorded wisdom of former governments, men possessing great and unlimited powers, but from whom reflection before action will not be hereafter required, and who will be placed in a position from which all real, ultimate responsibility will be taken away, because the records of their actions and the reasons for them will be altogether lost."

The Earl of Ripon defended the ministerial bill, and, in answer to Lord Ellenborough's remarks upon the intended abolition of councils, said this part of the subject had been misapprehended.

The Duke of Wellington spoke with much feeling and felicity of expression. He said: "Having been so long a servant of the East-India Company, whose interests you are discussing—having served for so many years of my life in India—having had such opportunities of personally watching the operations of the government of that country, and having had reason to believe, both from what I saw at that time and from what I have seen since, that the government of India was at that time one of the best and most purely administered governments that ever existed, and one which has provided most effectually for the happiness of the people over which it is placed, it is impossible that I should be present when a question of this description is discussed, without asking your lordships' attention for a very short time, while I deliver my opinion upon the plan which his Majesty's ministers have brought forward. I will not follow the noble marquis who

opened the debate into the consideration, whether a chartered company be the best calculated, or not, to carry on the government or the trade of an empire like India: that is not the question to which I wish now to apply myself. But whenever I hear of such discussions as this, I recal to my memory what I have seen in that country. I recal to my memory the history of that country for the last fifty or sixty years. I remember its days of misfortune and its days of glory, and call to mind the situation in which it now stands. I remember that the government have conducted the affairs of—I will not pretend to say how many millions of people (they have been calculated at seventy, eighty, ninety, and even a hundred millions), but certainly of an immense population—a population returning an annual revenue of twenty millions sterling; and that, notwithstanding all the wars in which the empire has been engaged, its debt at this moment amounts only to forty millions, being not more than two years' revenue. I do not say that such a debt is desirable, but, at the same time, I do contend that it is a delusion on the people of this country, to tell them that it is a body unfit for government, and unfit for trade, which has administered the affairs of India with so much success for so many years, and which is at length to be put down (for I can use no other term) upon the ground that it is an institution calculated for the purposes neither of government nor trade." His Grace then proceeded to condemn the ministerial arrangements, as being framed with-

out regard to the situation of the Company, without regard to the relation in which its trade stood, not only with the East-Indies, and the finances and general interests of that country, but also with the interests of England, and of the metropolis in particular. He alluded especially to the misery and ruin which would arise to those deriving their subsistence from the commerce of the Company, declared his hostility to the proposed arrangements for the local governments, expressed his conviction that no influx of European capital into India would take place, and concluded by urging the necessity of upholding the power and influence of the Company. "Depend upon it, my Lords," said his Grace, "that upon the basis of their authority rests the good government of India."

Some dispute took place as to the intentions of ministers with respect to the continuance of councils at the subordinate presidencies. Lord Ellenborough had assumed that they were to be abolished. The Marquis of Lansdowne, referring to the bill which had been prepared, affirmed that they were to be retained. Lord Ellenborough, in explanation, said that, unless the speech of the president of the Board of Commissioners had been strangely misrepresented in the ordinary vehicles of intelligence, he had declared it to be the intention of government to dispense with the subordinate councils. The Marquis of Lansdowne, in answer, said that, without consulting the president of the Board, he would take upon himself to state that the report of his speech must

be incorrect, as it had always been intended that the Court of Directors should have power to appoint members of council.

This statement, however, must have been made under misinformation. The intentions of government were not left to be ascertained from a speech in the House of Commons, whether correctly reported or not. The point at issue had been the subject of correspondence between the Board of Commissioners and the Court of Directors, the court upholding the continuance of councils at the subordinate presidencies, the Board opposing it.*

* Vide the following papers respecting the East-India Company's Charter, 1833.—Summary of principal provisions of proposed bill, transmitted by Mr. Charles Grant, 24th of June, 1833, p. 260—Letter of Mr. Grant, 27th of June, p. 266—Letter from the Court of Directors to Mr. Grant, 2nd of July, p. 310—Petition of East-India Company to House of Commons, p. 404—Petition to the House of Lords, p. 450—Mr. Tucker's Dissent, p. 342—Mr. Jenkins's Dissent, p. 358. Extracts from some of these papers will be found in the Appendix to this volume. It is observable, also, that while the bill as passed by the House of Commons (27th of July, 1833) contained a clause (54) giving the Court of Directors power to appoint councils at the subordinate presidencies (with the approbation of the Board), another clause (56) declared that governors where *no councils might be appointed* should "have all the rights, powers, duties, functions, and immunities whatsoever, not in anywise repugnant to this Act, which the governors of Fort St. George and Bombay, *in their respective councils*, now have within their respective presidencies." Some modification was made before the bill passed into a law, but it was formal rather than substantial. By section 56, Act 3 & 4 Will. 4, cap. 85, the government of each of the four presidencies, Bengal, Fort St. George, Bombay, and Agra, is to be administered by a governor and three councillors; but, by the

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After a reply from the Marquis of Lansdowne the resolutions were carried.

On the 10th of July the bill was read a second time in the House of Commons. Mr. Buckingham protested against the principle of the bill, and made a long speech in support of his views. Mr. Hume gave a qualified assent to the bill. Mr. Whitmore took objections to several parts of it. Mr. Macaulay defended both its principle and details. Mr. Wynne gave a synopsis of his formerly expressed views. Mr. O'Connell made some remarks on the landed tenures of India. Mr. Todd found fault with some of the provisions of the bill, while Mr. Robert Wallace expressed his belief that it gave universal satisfaction. Mr. Ewart said India wanted skill more than capital, and glanced at the salt and opium monopolies. Mr. Charles Grant replied. On the whole, the debate produced little to elucidate the questions agitated, or to affect their decision.

On the 12th, after some preliminary discussion, the House went into committee on the bill. Mr. Hume proposed that the tenure of the Company should be determinable at the expiration of ten

succeeding clause (57) the court, with the approbation of the Board, are empowered to revoke and suspend the appointment of councillors in all or any of these presidencies, or to diminish the number of councillors. Agra has not yet become a separate presidency, the operation of the Act with respect to it having been suspended by a later one. The councils of Fort St. George and Bombay remain, but none has been appointed for Bengal. The executive of that presidency is administered by the governor-general as governor, but without a council.

years. Mr. Lyall urged the impossibility of supposing that the Company would suspend their right of trading for the sake of having their charter renewed for so short a term as ten years. The amendment was lost. Some discussion took place on the question of relinquishing or abolishing councils in the subordinate presidencies; on the controlling power of the governor-general; on the establishment of a new subordinate government at Agra; and other topics: in the course of which Mr. C. F. Russell recommended the removal of the seat of the supreme government from Calcutta to Bombay, a suggestion which was noticed with approbation by Sir Robert Inglis.

The proceedings of the committee were resumed on the 15th. After much discussion on the legislative powers proposed to be intrusted to the governor-general in council, Mr. Cutlar Fergusson moved an amendment, excepting the local limits of the settlements of Fort William, Madras, and Bombay, from its operation, which was lost. On the 16th Mr. Fergusson moved another amendment, the effect of which was to withdraw any discretionary power as to the existence of councils at Bengal, Madras, and Bombay, and to make the continuance of councils imperative. The amendment was supported by Mr. Hume, Sir Robert Inglis, Mr. Wynne, Sir Harry Verney, Mr. Charles Marjoribanks, Colonel Evans, and Lord Ashley, and opposed by Mr. Charles Grant, Mr. Robert Grant, Mr. Charles Buller, and Mr. Strutt. It was lost

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on a division. An amendment, moved by Sir Harry Verney, appointing the governor-general governor of the whole province of Bengal, with two lieutenant-governors to carry on the duties of the administration, one residing at Agra and the other at Calcutta, was withdrawn. Mr. Buller proposed an amendment, excluding the governor-general from the governorship of any particular presidency, which was supported by Mr. Strutt and Mr. Hume, but

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lost on a division. On the 17th of July Mr. Hume moved that a clause declaring it unlawful for persons to reside in certain parts of India without license should be omitted. The amendment was lost by a large majority. A clause respecting slavery was added, on the motion of Mr. Charles Grant. A rather stormy discussion on the proposed establishment of two new bishoprics in India followed, and after two divisions, the motion that the chairman report progress was agreed to without opposition.

On the 19th the discussion of the subject was resumed. Mr. O'Connell pleaded for a Catholic establishment in addition to a Protestant one. Mr. Grant took a conciliatory tone, and proposed that Catholic priests should be paid. Mr. Wynne approved of this course. Mr. Shiel opposed the payment of any religious teachers. The Chancellor of the Exchequer (Lord Althorp) said government were as willing to sanction other churches as the Church of England; and Mr. O'Connell declared himself satisfied. Sir Robert Inglis supported the establishment of the new bishoprics; Mr. Hume

opposed it altogether. Mr. C. Buller took the same course, while Major Cumming Bruce, avowing himself to be a member of the Church of Scotland, entreated the ministers to persevere in carrying the clause, which he believed would give great satisfaction in the country. Mr. Finch, Sir Matthew White Ridley, Lord Morpeth, Sir John Maxwell, and Mr. Cutlar Fergusson having spoken in favour of the clause, and Mr. O'Dwyer, Mr. Ruthven, Mr. Halcombe, and Mr. G. F. Young against it, a division took place, and the clause was carried. The various clauses relating to the allowances of the new bishops gave rise to some discussion, as did also the provisions relating to the education of civil servants at Haileybury, and the mode of selecting them. On the latter point Mr. Wynne took the opportunity of re-publishing the opinions which he had so often advanced, in favour of distributing writerships by competition among candidates in the universities and public schools. To the ministerial plan, by which candidates were to be nominated in a fourfold proportion to the number of appointments, and the requisite number selected for Haileybury from among them, Mr. Lyall took a very powerful objection,—that it made the conduct of the boy, instead of the man, the rule of promotion. An amendment moved by Mr. Hume, reducing the salary of the governor-general, was lost, and an additional clause, moved by Colonel Leith Hay, making it imperative to retain at each presidency two clergymen of the Church of Scotland, which was opposed by Mr.

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Hume and Mr. Warburton, was carried on a division.

The report being brought up on the 22nd of July, Mr. Wilbraham (member for Cheshire) submitted a motion in favour of abolishing the salt monopoly, which was seconded by Mr. Ewart (member for Liverpool). Mr. Buckingham and Mr. Hume supported the views of those gentlemen. Mr. Grant and Mr. Cutlar Fergusson craved time for the termination of the monopoly.* The motion was not pressed to a division. Mr. C. Buller moved an amendment, reducing the period of attendance at the college at Haileybury, which was withdrawn; and Mr. Hume renewed his motion for a clause to admit of putting an end to the Company's government after the expiration of ten years, which was lost.

* The concluding remarks of Mr. Cutlar Fergusson were very important, but they do not appear to have fixed the attention of the House. "I will take this opportunity of expressing a hope, that while such active endeavours are made to extend the manufactures of England, we should also do something for the manufactures of India. At present our cottons and woollens are imported into India on payment of a duty of two-and-a-half per cent., while at the same time a duty of ten per cent. is charged upon the cottons of India. A few years ago in Dacca alone 50,000 families obtained the means of subsistence by the cotton manufactures, but from the commercial policy this country has pursued with regard to India, not one-tenth of the number are now employed in this branch of industry. I trust that this system will be abandoned, and that articles produced by the natives of India will be admitted into England on payment of a small duty." Some reduction of the duty on Indian goods has lately been effected.

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On the 26th of July a General Court of Proprietors was held, and a petition to the House of Commons against the bill agreed upon. The petitioners complained of the want of any provision for reporting to parliament cases where the Board of Control and the Court of Directors might finally differ,—of the increase given to the power of the governor-general, and the diminution of that of the subordinate governments,—of the institution of a fourth presidency for the north-western provinces,—of the proposal to withdraw councils from the government of Madras and Bombay,—of the increase of expense which would be occasioned by the creation of new offices,—and of the retention of the college at Haileybury. The petition was presented the same evening by Mr. Cutlar Fergusson, who moved that the petitioners be heard by counsel at the bar of the House on the third reading of the bill. The motion was seconded by Mr. Hume, supported by Mr. Wilkes, Mr. Buckingham, and Sir Richard Vivian; opposed by Mr. Robert Grant, Mr. Macaulay, and the Solicitor-general, and lost on a division by a hundred to thirty-three. It was objected, that the petitioners ought to have come sooner. To this Mr. Fergusson answered, that they had not the opportunity; that the Court of Proprietors could not be summoned without giving several days' notice, and that the Court of Directors had delayed calling them together, in expectation of receiving communications from the president of the Board

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of Commissioners, which, however, he had not thought fit to give.*

This refusal of a hearing to the East-India Company, who were about to be deprived of privileges and power, the growth of centuries, was followed by a desultory debate, each member selecting for his topic any point of Indian policy on which it suited him to expatiate. Mr. Buckingham declaimed against the limited right of settlement, and the church establishment; Mr. Wynne gave utterance to his oft-repeated wish to reduce the number of

* Mr. Fergusson had occasion, of which he availed himself, of rebuking the proverbial impatience of the House with respect to Indian affairs. While calling attention to the petition he was interrupted by noise, on which he said, "I give the House full credit for the most perfect indifference to the statements of these petitioners, but I do think they are bound to preserve something like silence, instead of the incessant conversation and confusion which now prevails." And in his reply, after dwelling upon the deep interest which he felt in the bill, he said, "Have the Company, I ask, been heard upon this subject? I deny it. If a member has ventured to open his mouth in their favour, he has scarcely been able to obtain a hearing." Sir Robert Inglis on the same evening adverted to the subject. He said, "I know how little interest is excited by India, how much less by China. Adam Smith, in his 'Theory of Moral Sentiment,' has said that it would give a man of tolerable humanity more distress to be told that his own little finger was to be cut off to-morrow morning than to hear that the whole empire of China had been swallowed up by an earthquake. In the one case he would perhaps lie awake, in the other he would only think that he would lose his tea." Mr. Wynne, in reference to the bill then before the house, observed that he "did not remember any bill occupying so much time, and on so important a subject, which had excited so little attention and created so little interest."

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directors; Mr. Poulett Thomson defended the burdensome and unequal duties imposed in this country on India productions. Several other members speculated on futurity; after which Mr. Grant made a short and very unnecessary reply, seeing that the fate of the bill was as certain as though it had become law. It was read a third time, when Mr. Wynne moved, by way of rider, a clause embodying one of his favourite views as to patronage, by setting aside a certain number of military appointments, to be bestowed on the sons of officers. The clause was negatived without a division. Mr. Shiel, who had previously contended that no form of Christianity should be supported in India, then moved a clause for extending support to the Roman Catholic church "and others differing" from the established churches of England and Scotland; but, on a promise from Mr. Grant to add to a future clause a proviso, leaving the governor-general at liberty to grant sums of money to any sect or community of Christians, Mr. Shiel withdrew his clause. Sir Richard Vivian then proposed a clause, restraining the governor-general in council from making laws affecting the inhabitants of the presidencies, without registration in the European courts. It was lost; when Mr. Cutlar Fergusson moved the omission of the clause vesting the governments of the presidencies in a governor, irrespective of a council.* This motion was pressed to a division, and the retention of the

* These discussions, both in committee and in the house, prove the accuracy of the remark made at page 330.

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clause carried. After various additions, which excited little or no discussion, Mr. Grant proposed his proviso (promised to Mr. Shiel), allowing the governor-general in council, with the sanction of the Court of Directors, to grant money to societies of Christians not belonging to either of the established churches of Great Britain. This was strenuously opposed by Mr. Andrew Johnstone, who said he felt bound to the course he was adopting, by a sense of his duty as an elder of the Church of Scotland. Mr. Sinclair, Mr. Pease, and Mr. Plumtree agreed in the objections of Mr. Johnstone; but, on a division, the proviso was adopted by a great majority. Mr. Wynne moved an amendment, the effect of which was to dispense with the necessity of candidates for writerships passing through Haileybury. Mr. Lyall took occasion to avow his conviction, that the four-fold plan of nomination could never be brought into effect.* Several members attacked the college: its solitary defender was Mr. Robert Grant, but the amendment was lost. The bill then
A.D. 1833. passed the Commons. On the 29th of July it was read a first time in the Lords; and again on the 2nd of August *sub silentio*.

A general court of Proprietors of the East-India Company had been held on the 31st of July, when a petition to the House of Lords, similar to that presented to the Commons, was agreed upon. This petition was presented on the 2nd of August by the

* The result has shewn this belief to have been well founded. By the 1 Vict. c. 70, the operation of the plan was suspended.

Earl of Shaftesbury, who proposed to move that the petitioners be heard by counsel, if not contrary to the sense of the House; but, as some peers opposed this proceeding, and none supported it, the noble earl took for granted that his intended motion was contrary to the sense of the House, and abstained from making it. The Marquis of Lansdowne then moved the committal of the bill without a single remark, alleging that, as Lord Ellenborough intended to move an amendment, he reserved his observations to a future period of the debate. Lord Ellenborough thereupon claimed a right of reply, if he should deem it necessary, which the Marquis of Lansdowne instantly conceded. It was certainly a novel mode of proceeding, to allot the opening and reply in a discussion on a ministerial bill to a member of the Opposition. Lord Ellenborough, to whose care a bill, brought in by his opponents, was thus suddenly surrendered, then moved, "that it be an instruction to the committee to omit all such clauses in the bill as relate to alterations in the constitution and powers of the governments of the several presidencies of India." The Marquis of Lansdowne made some observations in defence of the ministerial measure. The Duke of Wellington followed, arguing against the total discontinuance of trade by the Company, and pointing out some difficulties in the proposed constitution of the governments of India.* Lord

* With regard to the governor-general, the duke observed,

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Ellenborough's amendment was lost, and the House then went into committee on the bill. Various clauses were dispatched with great rapidity. On the 7th of August the remaining clauses of the bill were proceeded through with equal celerity. Those relating to the government of the subordinate presidencies were omitted on the motion of the Marquis of Lansdowne, and others substituted enacting that each presidency should have a governor and council, but subjecting the appointment of a council to be revoked, suspended, or modified by the home authorities. On the 8th the amendments were reported, and on the 9th, after some discussion on the claims of various classes of creditors whose interests might be affected, the report was taken into consideration. Some amendments of a financial character were moved and negatived; after which the Marquis of Lansdowne moved that the fifth member of the council of India, who was to be a person not in the service of the East-India Company, should be excluded from sitting or voting, except when making laws or regulations, which was agreed to; as was also a modification of the clause respecting slavery, submitted by the same nobleman.

that "he would not only have augmented duties to perform with the assistance of an augmented council, but also to attend to the business of Bengal without any council." The Marquis of Lansdowne immediately exclaimed, "Not so; he will have the assistance of a council." This, however, has not been verified in practice. The governor of Bengal, as already stated, has no council.

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The fate of the bill and of the Company in connection with the government of India was now approaching to a crisis. A general court was summoned for the 13th of August by the chairman and deputy-chairman, at the request of the president of the Board of Commissioners. On the previous day a Court of Directors was held, when a motion was submitted (it is presumed from the chair), declining to recommend the acceptance of the bill by the proprietors, and referring the question altogether to the discretion of that body. An amendment was moved, which, while lamenting the cessation of the Company's trade,—disapproving of the increased power of the Board,—regretting the refusal of parliament to provide a rule of publicity,—and avowing apprehension as to the effects of the intended changes of the finances of India,—yet, in the conviction that the powers of the Board would be exercised so as not to interfere with the independence of the Company as a body acting intermediately between the king's government and the government of India, which independence all parties had admitted it to be of vital importance to maintain,—and in the belief that parliament would interfere for the relief of financial difficulties, if any should arise in consequence of the changes, agreed to recommend to the proprietors to consent to place their trade in abeyance, in order to undertake the exercise of the government of India for twenty years, under the conditions and arrangements of the bill. The amendment was carried, and the chairman and

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deputy (Mr. Marjoribanks and Mr. Wigram) immediately delivered in a dissent.*

* The following is the paper referred to in the text:—

"Differing from the majority of the Court of Directors who have this day passed a resolution recommending the proprietors to place their charter in abeyance, we record our dissent from that proceeding, and shall briefly state our reasons for doing so.

"It is impossible for us to contemplate the annihilation of the basis upon which the East-India Company was originally incorporated, without reflecting that Great Britain owes to their exertions the valuable trade with India and China, as well as its maintenance during two centuries, amidst great embarrassment at home, and the powerful opposition of European and native enemies abroad, and that in its prosecution the Company laid the foundation of the British empire in India.

"The extension of the Company's territorial possessions became matter of great national interest, and led to political power, under parliamentary regulation, being engrafted upon their commercial character.

"The union of government and trade being thus considered the system best calculated to preserve the stability of our rule in India, and at the same time to secure the greatest benefits to that country and to England.

"The opinion of those statesmen who took the leading part in the proceedings of 1793 and 1813, proves that they were governed by the same principles in proposing the arrangements concluded, at each of those periods, between the public and the Company; and the following extracts from the last report of the parliamentary committee, printed in August, 1832, appear to us to establish the fact that these joint functions have hitherto produced the most beneficial effects:

"'That the British sway has conferred very considerable benefits on India can hardly be doubted, since under our government the people enjoy advantages which all history shews they never possessed under their own princes—protection from external invasion, and the security of life and property.' (*a*)

Again,

(*a*) Vide p. 19 of the Report of the Select Committee on the Affairs of the East-India Company.

At the general court on the 13th various papers were read—the minutes of the Court of Directors CHAP. XXVIII.

" Again,

" 'The finances of India have derived advantage from their existing connection with the commerce of the Company,

" '1st. Through the direct application of surplus commercial profit;

" '2nd. By the rates of exchange at which the territorial advances from commerce in England have been repaid to commerce in India;

" '3rd. In consequence, as is alleged, of the remittances from India annually required for the payment of those territorial charges defrayed in England having been made through the Company's commerce.' (*a*)

" With these admitted results, we consider that, although deprived of their monopoly of the China trade, but at the same time relieved from all the legal obligations by which their transactions have hitherto been fettered, the Company might have continued to trade with great advantage, especially as regards the question of remittance.

" It was, therefore, with much surprise that we first perused the Hints submitted by his Majesty's government, containing the proposition that the Company should henceforth abandon all commercial operations, and transfer to territory the whole of their assets at home and in India.

" We, nevertheless, felt it to be our duty to give our best consideration to the proposed scheme. We did so with an anxious desire that the Company, who had already secured such great advantages to their country, should not disappoint even its further expectations, but consent to waive the exercise of the commercial rights which they possess in perpetuity, if the proprietors were fully secured in the regular receipt of their present dividend, and in the ultimate payment of their capital, and provided that such a plan were devised as would enable the Company 'efficiently to administer the government of India for a further term with credit to themselves and with advantage to that empire.'

" It

(*a*) Page 47 of the same Report.

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held the previous day; the dissent of the chairman and deputy chairman; a letter from Mr. Tucker,

"It is with these views that we became parties to the resolution passed by the proprietors at the ballot on the 3rd of May last, which formed the basis of the proposed compromise.

"Two of the points contended for in that resolution were the extension of the guarantee fund to three millions, and the provision for publicity as a rule.

"To the first we still consider the proprietors entitled, both in justice and in equity, from the proceeds of their commercial assets.

"The latter provision we deem indispensable to the independence of the Court of Directors.

"Neither point has been conceded, whilst other provisions have been introduced into the bill which render the scheme, in our judgment, still more objectionable.

"We consider that, although some important modifications have been made in the bill introduced into parliament subsequently to the resolution of the Court of Proprietors of the 3rd of May, particularly as regards the retention of councils at the subordinate presidencies, the measure as it stands involves an unnecessary departure from the principles upon which the governments of those presidencies have hitherto been conducted, and by which they were made directly responsible to the authorities at home.

"This change, so far from preventing the recurrence of the delay, upon which much stress was laid in the late parliamentary inquiry, will, in point of fact, increase the evil, and instead of relieving the governor-general from a portion of those duties which are now complained of as too multifarious, it will impose upon him additional labour and responsibility. It will, moreover, admit of the existence at the same time of six distinct executive authorities, which may lead to much embarrassment.

"We think the provisions of the bill will create a considerable additional charge upon India, without conferring any adequate benefit, whilst that country will, by the same measure, be deprived of those resources, without which her financial means, as regards both income and remittance, will be put to great hazard.

stating some objections to the bill, but recommending that, with all its defects, it should be accepted;*

"Upon the point of remittance, we are at a loss to imagine how the same is to be effected to the requisite extent; and, if effected, we fear it will be at a very unfavourable rate of exchange, and, consequently, at a great loss to the Indian finances.

"We are likewise of opinion that the bill leaves the assets transferred to territory to be applied and disposed of in a manner which we much fear will occasion not only a serious deterioration of property, but great disappointment and distrust; and, lastly,

"We consider that the Court of Directors, instead of being placed by the present bill in the position in which alone they can independently, and, consequently, advantageously, discharge their duties, will be converted into little else than a mere instrument for the purpose of giving effect to the acts of the controlling Board, and it would consequently have been far better that his Majesty's government should have openly and avowedly assumed the direct administration of India, than have attempted to maintain an intermediate body, in deference to those constitutional principles which led to its original formation under parliamentary regulation, but deprived of its authority and rendered inefficient by the present measure, and which will become, in our opinion, a mere useless charge upon the revenues of India.

"In thus stating our sentiments, we discharge a painful, but at the same time what we feel to be an imperative duty, and with this feeling we cannot consent to incur the responsibility of recommending to our constituents to confirm the compromise, by consenting to place their chartered rights in abeyance under the provisions of the present bill."

On the passing of the bill Mr. Marjoribanks and Mr. Wigram retired from the Chairs.

* Mr. Tucker's recommendation was grounded on an apprehension of the consequences that might follow a rejection of the ministerial proposal, which he thus enumerated:—

"1st. By rejecting the plan, our stock, which at present bears a value approaching to fifteen millions sterling, would probably fall back to twelve millions, and it is not difficult to foresee that

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a paper signed by Mr. Thornhill, concurring with Mr. Tucker, both in his objections and recommendation, and a letter signed by Mr. Astell and thirteen other directors.* A motion was then made, similar

all arrangements connected with India must be thrown into a state of utter confusion.

"2nd. We should be exposed to a destructive competition in the course of conducting the Company's trade, and the eager adventurers who would instantly rush into the tea trade would soon render it the source of loss to both parties.

"3rd. However unjustly, we should probably be burthened with the home bond debt, without having any means of relief against the king's government.

"4th. That government might even interpose difficulties in the way of our obtaining reimbursement of the large sum which has been advanced from our commercial funds for territorial purposes.

"5th. A question might be raised as to our right to appropriate heretofore any commercial profits to the augmentation of our commercial capital.

"6th. The king's ministers might demur to the admission of our just claim to our lands and estates, our forts, factories, and other buildings on the territory and islands of India; and although such a proceeding would be unjust in the extreme, we must not conceal from ourselves, that such a contingency may occur, and that, if these and other arbitrary proceedings of the kind should be resorted to, the value of our commercial property must be materially affected, and it might be found difficult to realize for the proprietors even their capital of twelve millions."

* The letter follows. The Directors who signed it were, William Astell, Esq., William Stanley Clarke, Esq., George Raikes, Esq., Henry Shank, Esq., Sir William Young, Bart., Russell Ellice, Esq., William Butterworth Bayley, Esq., Richard Jenkins, Esq. (now Sir Richard Jenkins, G. C. B.), George Lyall, Esq., John Cotton, Esq., J. P. Muspratt, Esq., Henry Alexander, Esq., John Masterman, Esq., and Colonel Lushington (now Major-General Sir James Law Lushington, G. C. B.)

"We feel called upon, in consequence of the dissent of the

in spirit to the amendment carried on the preceding day in the Court of Directors, disapproving the

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Chairs, to state the general grounds which induced us to support the resolution adopted by the majority of this court yesterday.

"It is at all times matter of regret to us, when we find ourselves on any measure opposed to the opinion of the Chairs; and that regret is much increased when the difference arises on a question of such moment as that which at present divides us. We feel it the more, because we think the Chairs have succeeded, since the opening of the present negotiation, in obtaining important modifications in the plan as originally proposed, as well as in the bill now before parliament.

"We concur in many of the views entertained by the Chairs; and were we to consult only our personal feelings, we might possibly arrive at the same conclusion; but in deciding on a question involving such various interests, and encompassed on all sides with much difficulty, we feel bound to pursue that course which, upon the whole, appears to us to be most conducive to the interest of the proprietors and to the welfare of India.

"We sincerely wish that the scheme proposed by his Majesty's ministers had been based on established principles, the soundness of which had been proved by the result of long experience, rather than upon untried theories; but we cannot forget that the basis of the present compromise was agreed to by the Company on the motion of the late Sir John Malcolm, not hastily, but after seven days' discussion; not by a show of hands, but by the ballot on the 3rd May last, and by a majority of 425 proprietors out of 477. (*a*)

"On that occasion the Company adverted to the long and intimate connection which had existed between them and India, and declared 'that, if parliament in its wisdom should consider, as his Majesty's ministers have declared, that the advancement of the happiness and prosperity of our native subjects may be best promoted by the administration being continued in the hands of the Company, but divested of their commercial character, the Court of Directors having suggested, as it was their duty to do, the

(*a*) Vide page 181, Negotiation Papers.

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change, but accepting the government of India under the bill. An amendment was submitted,

the difficulties and dangers, political as well as financial, which beset the dissolution of the connection between the territorial and the commercial branches of their affairs, will not shrink from the undertaking even at the sacrifices required, provided that powers be reserved to enable the Company efficiently to administer the government, and that their pecuniary rights and claims be adjusted upon the principle of fair and liberal compromise.' (*a*)

"Power was also claimed to enable the Company to make suitable provision for outstanding commercial obligations, and for such of the commercial officers and servants of the Company as may be affected by the proposed arrangements.

"The resolution having been communicated to Mr. Grant, that gentleman, in his letter of 27th May, declared it to be the anxious wish of his Majesty's government 'to accommodate themselves, as far as it be practicable, to the views and feelings of the Company,' (*b*) and pointed out the modifications which had been made.

"The Court of Directors, on the 29th May, (*c*) acknowledged with much satisfaction the several modifications of the plan of government which that letter announced, and were persuaded that their constituents, equally with themselves, would appreciate the spirit of frankness and conciliation in which those modifications had been conceded. They expressed themselves satisfied with the manner in which the dividends were to be regularly paid, (*d*) but re-urged the fair claim of the proprietors to an increase of the guarantee fund, and likewise provision for a rule of publicity to parliament.

"Upon the reply from his Majesty's ministers of the 4th June, in which explanations were made as to the guarantee fund and the redemption of the annuities, and reasons assigned for withholding concurrence in the establishment of a rule for publicity before

(*a*) Printed Charter Papers, page 183.
(*b*) Ibid. page 185. (*c*) Ibid. page 191.
(*d*) Ibid. page 193.

declining to accept the bill, and condemning its provisions, as well on financial grounds as on that of

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before parliament, the Court of Directors came to a resolution, 'that they were prepared to recommend, that if it should be the pleasure of parliament to limit the sum to be set apart to two millions, the proprietors should defer thereto;' (a) and that the question of publicity should be left to the decision of parliament, the court confidently expecting that parliament would view the importance of such a provision in the same light as the court.

"The General Court of Proprietors, on the 10th June, concurred in opinion with the court, and adopted their recommendation. (b)

"The principles of the basis of the compromise were thus virtually ratified by the Company leaving the two points, as to the increase of the guarantee fund and the enacting a rule of publicity, to the pleasure of parliament.

"On the 25th of June Mr. Grant transmitted to the court a summary, containing the main provisions of the intended bill, and on the 29th a copy of the bill as it had been introduced into the House of Commons.

"It is unnecessary for us to enter at length into a review of its provisions.

"The court's objections to the measure have been fully stated in their correspondence with his Majesty's government, and some of the principal points have been urged in the Company's petition to the House of Commons, and subsequently to the House of Lords, and both houses have had before them the whole of the papers connected with the present negotiation.

"In the petition to the House of Lords, presented so late as the 5th instant, it is declared, that 'Your petitioners are seriously desirous that no obstacle should arise on their part to the arrangement which parliament in its wisdom shall deem to be best calculated to promote the welfare of India and the commercial prosperity of the United Kingdom;' but the court prayed to be heard by counsel on the following points:

"For establishing a rule of publicity;

"Against

(a) Printed Charter Papers, page 203. (b) Ibid. page 213.

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placing despotic power in the hands of the governor-general "over a hundred millions of British subjects,

"Against the establishment of a fourth presidency, instead of a lieutenant-governor, at Agra;

"Against the abolition of councils at Madras and Bombay;

"Against the maintenance of Haileybury College; and

"On the increase of expense likely to arise from an extension of the ecclesiastical establishment.

"Both houses have declined to entertain the question of publicity, and both have resolved to maintain Haileybury College and to increase the ecclesiastical establishment, as well as to authorize a government at Agra; but, at the same time, concessions had been made in the import and provisions regarding the councils, which are to be maintained as at present, reserving power to the Company to abolish them at a future period, should it be thought expedient.

"A very important alteration has likewise been made in the clause as to slavery, and the declaration that it should cease throughout the Indian territory is omitted.

"The question therefore was, whether the points which have not been conceded form sufficient grounds to induce us to withhold a recommendation to the general court, or whether, under all circumstances, we should not best discharge our duty to the proprietors and to India, by recommending the general court to confirm the compromise, and to place their chartered right of trade in abeyance under the provisions of the present bill.

"It should be recollected that, immediately before the acceptance of the charter of 1813, a committee of the whole court recorded it as their opinion, that the general powers of superintendence and control of the Board were, even at that time, such that, if 'exercised illiberally or vexatiously, it would be difficult for the Court of Directors to perform their functions.' Much, therefore, must depend upon the spirit in which those powers are in future administered. If, as was then observed, liberally, it may be practicable for the Court of Directors to carry on the trust reposed in them satisfactorily; but if otherwise, then it is impossible to expect that men of character and liberal feelings will retain their seats in the direction.

over every authority in India, not excepting his Majesty's courts of justice." The amendment was lost.* A ballot having been demanded on the main question, it took place on the 16th, when the original motion was carried by a considerable majority.† On the same evening the bill was read a third time in the House of Lords, the Marquis of Lansdowne positively refusing to enter into any discussion upon its merits. The formal motion that the bill do pass was postponed until the 19th, when it was made and carried without remark. The Lords' amendments were concurred in by the Commons, and the bill received the Royal assent.

The history of the East-India Company from its commencement has been extraordinary; and the suspension of its commerce, the sole purpose for

"With this explanation of our sentiments, and with reference to the declaration of Mr. Grant, that it is the intention of his Majesty's government that the Company, in their political capacity, 'shall commence the exercise of their resumed functions in the utmost possible state of efficiency,' (*a*) we have resolved to recommend to the proprietors to make a fair trial of the proposed charter; and should obstacles arise, or unforeseen causes prevent or impede the execution of it by the Company, after their best endeavours have been used for the purpose, the responsibility of the failure will not attach to them."

* From the division, it would seem as though the apathy of the legislature had extended to the proprietors of East-India stock. A question, involving little short of the very existence of the Company, brought only forty-nine proprietors into court: of them, ten voted for the amendment (rejection of the bill), and thirty-nine against it (acceptance of the bill).

† For acceptance, 173; rejection, 64.

(*a*) Printed Charter Papers, page 36.

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which it was formed, is not the least extraordinary part of that history. There was some plausibility in the principal objection taken to the continuance of the Company's trade with India, that the characters of merchant and sovereign were incompatible; but that objection did not apply to its trade with China, the sacrifice of which was a tribute to ignorant and interested clamour. The Company's exclusive privileges were eminently useful in extending and maintaining our commercial relations with a country with which it is difficult to maintain intercourse at all, and those privileges were so carefully guarded that they could not be abused. No impartial person, whatever his opinions on freedom of trade, can read the evidence on the China trade given before the parliamentary committees, without feeling convinced that the Company's exclusive rights ought to have been maintained, with such modifications as might have sufficed to place British subjects on an equality with foreigners. Government determined otherwise, and the reproach of having thus determined is not peculiar to the party which happened to be then in power: Whig and Tory were alike ready to surrender the China trade of the Company to those who clamoured for its destruction. The chief, if not the only, difference appears to have been, that the latter party would have allowed the Company to share in the trade (as in the case of opening the trade with India), while the former insisted on their abandoning trade altogether. No rights, however well established, no interests, how-

ever important, are safe, where statesmen, abandoning their true position, are content to follow, instead of leading public opinion.* CHAP. XXVIII.

* Some of the "disturbing forces" which interfere with the practical application of the doctrines of free trade are ably pointed out in the following passage from a dissent recorded by Mr. Tucker, during the negotiations of the Company with the government:—

"I do not ask his Majesty's ministers to abandon the doctrine of free trade as an abstract proposition; but I submit, that it cannot be received for practical purposes, as a rule of commercial policy, without certain conditions and limitations.

"First. The parties dealing together must act upon the principle of perfect reciprocity. This is not likely to be the case in China.

"Second. There must be on both sides security for person and property. This is not the case in Japan, nor indeed in China, at all times.

"Third. There must not be a great inequality between the quantity of labour brought into action in the course of producing the commodities interchanged, or the benefit will not be equal. Fifty years ago, labour was held to be the source of national wealth; but we have now a redundancy of manual labour, creating individual poverty and distress; and it is one great and most difficult part of the business of legislation and government, to find the means of employing labour innocently if not usefully, and to make it applicable to the purpose of distributing the general produce. If this distribution cannot be effected in such manner as to admit that labour can command food, the people will take by violence that which is necessary to their subsistence.

"Fourth. There is something in *distance*, or the remoteness of countries trading together, which may produce some disturbance in applying the doctrine of free trade.

"In a very few days we learn the variations in the principal commercial markets of the Continent, and the supply may be adjusted to the demand with a great degree of accuracy, so as to prevent any material loss from the violent fluctuation of prices; but six months, or twelve months, may elapse before we obtain certain information of what is passing in China, and different

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The China trade of the Company was a positive benefit to India, that country being relieved thereby to the extent of the surplus profits of the trade. It was determined that India should no longer enjoy this benefit, but that the profit (or the loss, as the case might be) should be allotted to England. It is remarkable that the interests of India should

merchants, proceeding in ignorance and without concert, may engage in the most hazardous speculations.

"This happened to the inconsiderate adventurers who first embarked in the trade to Buenos Ayres, although the distance was comparatively small!

"This happened to the free-traders who have prosecuted the commerce with India since 1813; and to an extent which has spread ruin throughout the Indian community, as well as in some of the manufacturing districts of this country!

"An attempt was made by us to open a trade with Japan while we held possession of Java, and it ended in total disappointment, entailing upon the government a heavy loss. This was not to be referred to *distance* alone, but to the jealous feeling of an arbitrary government. And does not the government of China act in that arbitrary, capricious, and unsteady manner, which is calculated to create uncertainty in the management of commercial operations? The trade in that country exists only by sufferance from day to day.

"I contend, that sufficient allowance is not made for the disadvantage of distance and uncertainty in applying the doctrine of free trade to China. It was the risk and uncertainty attending long voyages, and the necessity for a large capital, which first led to the incorporation of our own and other public companies. Exclusive privileges were necessary for their encouragement; but with these privileges they were enabled to supply remote markets, whose wants they could generally estimate with a great degree of certainty, and supply with regularity and without extraordinary risk; but individuals, who run a race of competition, cannot guard themselves against the imprudence of each other."—Dissent, by H. St. George Tucker, Esq., 11th June, 1833: Papers, pp. 219, 220.

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be invariably sacrificed whenever they are the subject of British legislation. India has sustained pecuniary loss by the withdrawal of the China trade from the Company. The Company sustained some diminution of influence, and various classes of their servants were deprived of employment, which they had calculated would continue as long as they were able to follow it. Amidst this mass of loss and inconvenience, who has gained? It is very doubtful whether either the successors of the Company in the China trade, or their customers, the purchasers and consumers of tea, can give a satisfactory answer to the question.*

* The effect of similar changes is frequently unmitigated evil. The following remarks on the effects of violent pecuniary reforms are not inapplicable to them, and in certain quarters they may have the greater weight, as bearing the authority of an advocate of ultra liberal principles in politics and trade, Jeremy Bentham:—

"Shall it be said, that the immediate abolition of places is a gain to the public? This is a sophism. The sum in question would no doubt be a gain if it came from any other source, if it were rechanged by commerce or in any other just way; but it is no gain to the public, when it is wrung from individuals who form a part of that very public. Would a family be the richer, because a father took from one of his children his portion in order to increase the fortunes of the others? The profit of an abolished place is divided among the whole public, but the loss presses on an individual; the gain is not perceptible, but the loss causes destruction. If we abolish all useless places and make no compensation to the holders, what is the consequence? The streets are crowded with the despoiled citizens, exhibiting marks of indigence, while we scarcely see an individual whose condition the change has benefited. The groans of sorrow, and the cries of despair, resound from every quarter, while the benefit, being so minutely divided, is hardly perceived. If joy is possessed, it arises

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The question, whether the Company ought to have accepted the government of India on the con-

not from the sense of good effected, but is a malignant satisfaction occasioned by surrounding misery.

"What is done in order to deceive the people on the occasion of these acts of flagrant injustice? Recourse is had to pompous maxims, which have a mixture of truth and falsehood, and give to a question which is extremely simple in itself an air of profundity and mystery. The interest of individuals, say the advocates for this inhuman reformation, ought to yield to that of the public; but is not one individual as much a part of the public as another? What is this public interest? is it not made up of the mass of private interests? All these private interests ought to be considered, instead of regarding, as these unfeeling reformers do, a part of these as the whole, and another part of them as nothing. The interest of each individual is sacred, and not to be touched, or the interest of no one is thus to be regarded. Individual interests are the sole real interests. Have a care of individuals—do not disturb them, nor suffer their rights on any account to be invaded, and you will have done enough for the public. On a multitude of occasions, men who have suffered by the operation of certain laws have not dared to assert what their rights were, or have been refused a hearing, on account of this false and pernicious construction of the maxim, that private good ought to yield to public good. Treat it as a question of generosity, whom does it become to exercise it? All towards one, or one towards all? Who is the more selfish—he who desires to keep what he has, or he who would seize by force what another possesses? An evil felt, and a benefit not felt—behold the result of those boasted operations, which sacrifice individuals to the public."

These remarks are obviously applicable to corporations, as well as to individuals. It may seem extraordinary that when the privileges of the East-India Company were attacked, the occurrence should not have called forth the sympathy and support of other corporate bodies. It failed, however, of producing this effect, and some of those who either stood by in silence or were active in the attack, have since found that the East-India Company was not the only victim called for. The hand of innovation has been at work elsewhere, and even with more sweeping effect.

dition of relinquishing the China trade, though more open to difference of opinion, will perhaps generally be determined in the affirmative. By the vigorous stand which the Court of Directors had made on behalf of the pecuniary rights of their constituents, and by the overwhelming evidence which they had submitted in favour of those rights, the Company were enabled to obtain terms which, though falling short of the claims of justice, were far better than might have been expected from the tone and language of the minister. Had the Company rejected the bargain, there can be little doubt that every possible effort would have been made to cut down their claims to the smallest amount, and that every artifice which the ingenuity of special pleading could supply would have been employed to throw on them burdens which they had no right to bear. From the constant reproduction of oft-refuted fallacies in the course of the negotiation, nothing else could have been looked for. These dangers were escaped by compromise; and there is reason to believe that this course was, on the whole, the best. The preservation of the right of carrying on the China trade in common with others was worthless. The profits had been declining, and it was obvious that they would decline more rapidly when the trade should be laid open to rash and inordinate speculation.

Next to the abolition of the Company's right of exclusive trade with China, the most objectionable parts of the new measure appear to be the refusal of

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the rule of publicity, and the transfer of so large a portion of the power formerly enjoyed by the subordinate governments to that of the governor-general. As to the first, it is certain that both individuals and bodies of men may conscientiously differ, and that their differences may be irreconcilable; but in such cases no ground for concealment seems to exist. Neither party need feel shame in avowing opinions which are the result of honest conviction. With regard to the second, it cannot but excite surprise that it should have been deemed either necessary or prudent to concentrate nearly all power in the chief government. The motives to this transfer were never adequately explained.*

Of the other changes of the Act of 1833 little need be said. Some of those proposed have not

* Mr. Jenkins (now Sir Richard Jenkins) has concisely and forcibly laid down the true policy on this question, in a dissent, dated 5th July, 1833. He says:—

"In matters of war and politics it is essential, in my opinion, that all local authority should be concentrated in the hands of the supreme government. I confess I am not aware of any great evils that have arisen from any want of control in the supreme over the subordinate governments in these or other respects; and if any have arisen, *the existing law* (*a*) does not seem to have been in fault, as it confers upon the governor-general in council ample authority for interference in every conceivable case. The policy hitherto pursued, however, has been, to have *one controlling power* for emergencies, but separate authorities for *ordinary circumstances;* and being satisfied that this is the true system of administration for a country of such vast extent, and so distant from the paramount state as India is, I should be sorry to see it materially infringed."

(*a*) 33 Geo. 3, cap. 52, sec. 40, 41, 44, 64.

been carried into effect. The subordinate presidencies of Madras and Bombay have not been deprived of their councils, and the erection of the new presidency of Agra has been suspended by the same authority which decreed its creation.* The legislative councillor and law commission have entered on their labours, but they have not yet made much advance towards the great work which appears to have been meditated, of compiling one comprehensive code of law for the whole of British India. Difficulties indeed exist before which Justinian might have relinquished the task in despair.

But although deprived of some advantages which they had previously enjoyed under the Company's rule, the people of India have reason to rejoice that the Company is still preserved as an instrument for the government of their country. That portion of the people of England who do not desire to see the combatants for political power every thing and the rest of the people nothing, have equal reason to be satisfied with this result.† That the Company agreed to accept the important trust, under conditions to

* As mentioned in note on page 331.

† The Court of Directors usually contains members of various shades of political opinion, and some having no strong political predilections at all. The patronage, therefore, is not distributed in one political channel, as it would be if transferred to the government, where the friends of the ruling party would enjoy a monopoly of it, and where (a consideration once thought important) it would generally be bestowed as the purchase or the reward of political services. The charlatan plan for tendering appointments to competition, and other fancies of the like nature, do not deserve a moment's discussion.

which strong objections were entertained, may be attributed to the recommendation of the majority of the directors, headed by some whose experience, sound judgment, and high character were eminently calculated to inspire confidence in their views, and give weight to their advice. Happily this advice was successful, and India has yet to boast of being incomparably the best governed of the dependent possessions of Great Britain.

APPENDIX.

APPENDIX.

Dissent *by the* Chairman (C. Marjoribanks, Esq.) *and* Deputy Chairman (W. Wigram, Esq.) *

We considered it to be our duty to submit the motion which was negatived in a committee of the whole Court on Friday last, the 7th instant, because we desired to maintain to the full extent what we conceive to be the views of the general court by their resolution of the 3rd of May, in which resolution we entirely concurred.

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We consequently withheld our signatures from the report which submitted the resolution passed in the committee for adoption by the court.

The court having adopted it, we feel compelled to place upon the records of the Company our dissent, for the following reasons, *viz.*

1st. Because, although we are prepared to admit that considerable modifications have been made by his Majesty's ministers in the plan, as originally proposed, we still think, with reference to the general court's proceedings, that the proprietors, both in justice and equity, are entitled to have the sum of three instead of two millions set apart as a guarantee fund for their capital stock, particularly when we consider the readiness with which the propositions of his Majesty's ministers have been met by the Company consenting to place in abey-

* See page 314.

ance their valuable rights as a corporation, thereby withdrawing from competition with the British merchant the large capital and established influence which they possess in their commercial character, both in England and in India, but more particularly as regards the trade with China.

2ndly. Because we are of opinion that some legislative provision for giving publicity in certain cases of difference between the Board of Commissioners and the Court of Directors, is indispensable for maintaining the independence of the court, and consequently for the good government of India. For unless it is known that the two co-ordinate authorities act under a positive responsibility to parliament, the paramount authority may enforce their views and opinions, however contrary to good government or wholesome rule, without the possibility of the legislature becoming acquainted with the facts, by the ministers refusing the production of the papers connected therewith to parliament. Nothing can more clearly substantiate the truth of this position than what has already taken place with reference to the papers now before the general court, and which have been printed at the instance of the proprietors.

We allude to those relating to the pecuniary claims of British subjects on the native princes of India, and to the writ of mandamus on the affairs of Messrs. William Palmer and Co. of Hyderabad. In the former is the case of the Lucknow bankers, which originated so far back as the year 1797. The claims of these parties have been pressed upon the Court of Directors on various occasions during the last twenty-two years. The court have invariably declined giving any countenance or support whatever to these claims, and the Board of Commissioners have confirmed the views of the court.

In April, 1832, after a lapse of ten years, the court

were called upon by the Indian minister to depart from that course, and to frame a despatch according to the tenour prescribed by the board, which was "to instruct "the supreme government to press upon the serious at- "tention of the King of Oude a claim which ought to "have been discharged thirty years ago."

At the date of this communication from the board there were two cases before parliament involving claims of British subjects against native princes; the one on the Zemindar of Noozeed, and the other upon the Rajah of Travancore.

The court endeavoured to convey to the president of the Board of Commissioners, and through that right honourable gentleman to the rest of his Majesty's ministers, in a letter of the 9th May, 1832,* the conviction which they entertain of the pernicious tendency of the principle involved in all those proceedings. It would only weaken the force of that remonstrance to quote merely a part, and we therefore rest upon the whole as presenting irrefragable arguments in support of the court's opinion. The president waived all discussion as to the merits of the claims of the Lucknow Bankers,† but expressed dissent in every respect from the view taken by the court, and the requisition that the court would prepare a despatch was repeated. The court not having prepared instructions to the Bengal government, the board, on the 15th December (seven months afterwards) sent down a despatch with directions that the court should forward the same.

The court still felt that the question as to the policy, as well as the right of the British government to exert its authority with the Sovereign of Oude for the satisfaction of the claims in question, was long ago "accurately

* Page 1 of the printed papers respecting pecuniary claims of British subjects on native princes of India, &c.

† Page 45, letter from the president, dated the 14th May.

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We trust that the arguments of the court have not been urged without effect, as the board have paused in enforcing their order of December; but what, we may ask, would have been the case, had there been a president of the Board of Commissioners determined, without awaiting such representation, or giving attention to it when made, to enforce the transmission of the despatch?

It is against such a possible exercise of power, and in the event of such power being exercised, that the facts shall reach parliament, that we contend for the rule of publicity.

The case also of Messrs. William Palmer and Co. forms another instance in which the exercise of absolute power may compel the court, under the proposed scheme, to send out a despatch, although contrary, in their opinion, to every principle of justice, and which may be calculated to lower the character of the British government throughout India, without the same coming before parliament.

The right of appeal which the court at present possess, affords the means, though not in our judgment sufficiently ample, to get the matter of a despatch, on which an extreme difference of opinion shall exist, before the

* Page 53 of the printed papers. † Page 71 of ditto.

public; but this will cease under the new order of things. APPENDIX.

Objections on the score of political expediency may be urged against the proposition; but we think the provisions might be sufficiently guarded to prevent any ill effects, whilst its very existence would, in our judgment, tend more to insure an abstinence from acts which would bring the authorities within its operation, than any other measure which can be devised as a substitute; whilst promptness in decision would be promoted, justice would be readily afforded, and heavy law charges avoided.

It is not without feelings of sincere regret that we find ourselves placed in opposition to the opinion of so large a majority of our colleagues; but we think that we should not discharge our duty to the Company, to India, or to the British public, were we not thus to express our conviction as to the necessity of instituting means whereby parliament shall, in certain cases, acquire a direct knowledge of the measures of that branch of the executive government of this country, under whose control the affairs of India are administered.

(Signed) C. Marjoribanks,
W. Wigram.

East-India House, the 10th June, 1833.

Some of the cases quoted in the above paper have been already noticed in either the text or notes. The general reasoning contained in the letter which is referred to, bearing date 9th May, 1832, entitles it to be subjoined, as well for its own merits as for the elucidation of the point in dispute between the court and the board.

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Letter *from the* Chairman *and* Deputy Chairman *to the* President *of the India Board.*

Sir: East-India House, the 9th May, 1832.

The proceedings which are now pending in parliament on the claims of Mr. Hodges on the Zemindar of Nozeed, and of Mr. Hutchinson on the Rajah of Travancore, and the communications which the Court of Directors have recently received from the board and from yourself, respecting the claims of Messrs. W. Palmer and Co. on some of the Nizam subjects, and those of the Lucknow bankers on the King of Oude, appear to the court to be of such a nature, as to make it their indispensable duty to endeavour to convey to you, and through you to the rest of his Majesty's ministers, the conviction which the court entertain of the pernicious tendency of the principle involved in all those proceedings and communications.

The pecuniary transactions of British subjects in India, Europeans and natives, with native states or the subjects of those states, in which the interference of the British government has occasionally been sought, are of three kinds, *viz.*

Claims on states whose territories have been subsequently transferred to the Company.

Claims on states in alliance with the Company; and

Claims on the subjects of the British government or on those of its allies.

With respect to the first class, the Company having become possessed of the territory, may in equity be expected to discharge, out of the revenues of that territory, the just debts of its former possessor, provided the same be judicially proved, and that the creditors agree to such equitable terms of settlement as may be suited to the new

and advantageous position in which the transfer of the country has placed them in point of security. Such was the arrangement made with the creditors of the Carnatic and of Tanjore. A commission was constituted to investigate the origin, justice, and amount of, and finally to adjudicate, the pecuniary claims in those countries. The first duty prescribed to the commissioners was to trace, in each case, the original principal sum advanced by, or due to, the claimant; and when that was satisfactorily ascertained, the commissioners were authorized to add simple interest, at rates of four, five, and six per cent. in the case of the great body of creditors, a few only being allowed twelve per cent., and that for a very limited period. The result of this investigation, as respects the Carnatic creditors, has been, that of claims aggregating thirty millions sterling, little more than one-twelfth has been admitted: the remainder have been totally rejected. We call your special attention to this important and most instructive fact, as strikingly illustrative of the general character of the money transactions of individuals with native states.

In proceeding to remark upon the second class of claims, *viz.* those on states in alliance with the Company, the court trust that they may be permitted to inquire whether, if the Carnatic had remained subject to the nabob, and if the pecuniary claims upon him to the amount of thirty millions sterling, investigated by the Carnatic commissioners, had been pressed, as they doubtless would have been, upon the authorities in this country, you, Sir, would have proposed that the British government should interfere on behalf of such creditors; still less, that they should interfere without judicial inquiry, and call upon the nabob to satisfy their demands? or whether his Majesty's ministers would have countenanced proceedings in parliament tending to such a result?

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Cases of alleged hardship, as strong as any now brought forward, would have been urged: bonds would then, as now, have been produced, and plausible appeals made to the justice of the government. Let it be supposed that, in the case which we have thus put, the Board of Commissioners had resolved to coerce the nabob (as they now wish to do in analogous cases), and compel him to pay the whole amount claimed, what would have been the consequence? The result of the investigation of the Carnatic commissioners, shewing that nearly eleven-twelfths of the claims were bad, is the best answer to that inquiry. A small proportion of just debt would, indeed, through our interference, have been recovered; but at what a cost to our ally! at what a sacrifice of character to ourselves! How grossly would the power of the British government have been exercised to oppress its weaker neighbour, whom it was bound by treaty, and even in common justice, to protect! And how would the revenues of the Carnatic have been exhausted, to satisfy demands either altogether unfounded, or consisting chiefly of interests heaped upon interests! We well know that nothing could induce you to run the risk of such injustice; and we press the example upon you, to shew that we cannot interfere in any of these transactions without incurring a similar risk. The court do not forget that, previously to the assumption of the Carnatic by the Company, parliament interfered so far as to direct an inquiry into the private debts of the Nabob of Arcot, with a view to their settlement; but we are sure we need do no more than advert to the enactment, and the purpose to which it was applied. Recollecting the memorable proceedings upon that subject in the House of Commons, in February, 1785, the court do not apprehend that such a precedent will be quoted in support of a system of interference in similar cases now.

The court have no hesitation in stating their decided conviction, that interference in these matters is unjustifiable; and they confidently appeal to you, whether it be not the practice, even of the British government, to decline interference with their European allies, on behalf of individuals who have voluntarily risked their money in foreign loans, and whose position as creditors has not been affected by any of the political measures of Great Britain.

If such be the practice of the states of Europe, whose relative position towards each other places them more or less upon a footing of equality, and enables them to exercise a discretion in admitting or rejecting claims, even after interference has been exercised, it surely cannot be becoming in the British government, possessing as they do in India power absolutely predominant, to adopt a different practice, and to interfere with the weak and helpless native states on behalf of claimants who embarked freely with their eyes open, and solely with a view to their own interests, in pecuniary speculations in which our government took no concern, and of which, in point of fact, it had no cognizance; merely because some of those speculations have turned out unfortunately for the adventurers.

It is well known how easily the native governments, from their dependence and the painful feeling of insecurity which haunts them, take the alarm, and with how much dread they regard every thing which has a tendency to bring them into a collision with our government, whose study, therefore, it has been to limit, as much as possible, the number of points of contact. So sudden and so great a departure from this line of policy as would be implied in the exercise of our interference in private matters, whether pecuniary or otherwise, would assuredly excite distressing apprehensions in the minds

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of our allies, and involve our government in constant embarrassment.

Neither can the court admit that the cases of the private creditors of the Indian states are such as to call for the interposition of the supreme authority, even if it could be afforded without gross injustice to those states, and the greatest embarrassment and discredit to ourselves. When an individual contracts pecuniary engagements in a foreign country, he subjects himself, *quoad* those transactions, to the laws and usages of that country, to which, if he be injured, he must apply for redress. It is no sufficient answer to this argument, that the law or the usages of the foreign country are defective, since an individual must be presumed to have informed himself upon points of that nature before he invested his property. The rates of interest observed in all the transactions in question are such as would neither have been paid nor demanded without extraordinary risk; and it seems to us to be most unreasonable to expect that the British government should use its power to favour the pretensions of individuals to all the advantages, and to relieve them from all the risk and disadvantages of such speculations.

It can scarcely be necessary for us to point out, that a resolution now to interfere would be very inconsistent with the invariable practice of the court, which has received the sanction of successive Boards of Commissioners for the affairs of India. If the cause of the Lucknow bankers is to be taken up as you propose it should be, what can the court say to the representatives of Sir Harry Darell, or to those of Colonel Frith, Major Webber, Captain Edwards, and many others, on whose behalf the British government, when solicited, has refused to lend its good offices with the vizier? or, how will it be possible to resist the multi-

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tude of dormant claims, not only upon Oude, but upon other native states, which are known to exist on the part of Europeans, and also of natives, who are equally entitled to consideration with the Lucknow bankers? It is clear to the court, that if the authority of the government were to be employed in the one case, it would be immediately asked, and could not be refused, in others, and that demands would arise which it would ruin our allies to meet. In short, Sir, the court would do you injustice if they permitted themselves to think that you had any adequate idea of the mischief that would result from the adoption of the course which you recommend, a course diametrically opposed to that prescribed for the conduct of the Bengal government in the political despatch regarding the claims of the Lucknow bankers, dated the 12th of February, 1819, in which you will find the following emphatic passage, to which, as having been inserted by the board whilst the late Mr. Canning was its president, the court attach more than ordinary importance:—"We are so much aware of the difficulty of divesting a friendly communication to a weaker power of the character of authority, and are so apprehensive that the consequence of pressing upon the vizier the consideration of those claims might bring upon him others from various quarters, that we direct you to rest contented with the attempt you have already made, and to abstain from any similar proceedings hereafter, at the instance either of these or any other claimants."

The court are aware that it has been said that the loans of British subjects to native states have, in some cases, been directly beneficial to the Company. They oppose to this assertion the declaration of parliament (37th George III. cap. 142, sect. 28), that that practice

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"has been productive of much mischief and is the source of much usury and extortion."

Undue importance has, in the court's judgment, been attached by claimants and their advocates to the circumstance of the claims having arisen previously to 1797, when the law to which we have referred was passed. That enactment was, indeed, only prospective, and did not profess to affect the past transactions of individuals. It left them, in point of law, precisely where it found them, but with a legislative declaration of their impolicy and impropriety. To contend that it improved their situation is a strange perversion of a law, the declared object of which (sect. 28) was effectually to stop a destructive practice, which the "wholesome orders of the court had not been sufficient to restrain and repress." If a measure of interference in favour of the claimants had been thought right (and it was quite as necessary for them in 1797 as at present), parliament would surely have authorized it. Was any such authority given or contemplated? The whole tenor of the proceedings of the legislature proves the contrary; and it would be rather extraordinary if, after the lapse of a long series of years, when the sources of information have for the most part ceased to be available, recourse should now be had to a system of interference, neither countenanced nor contemplated at a time when parliament was legislating upon the subject of transactions of this kind, and when the circumstances of most of the cases might have been ascertained with comparative facility.

The objections which the court have taken to interfere in the claims on our allies apply, with even increased force, to claims on their subjects. However justifiable it may be in peculiar cases, such as that of the trustees of Messrs. W. Palmer and Co., to suggest a method for set-

tling a difficult and an embarrassing question (and the court, in the draft which they submitted, did this to the utmost extent that they could think just or politic), we cannot too earnestly deprecate the idea, now for the first time seriously advanced in the paragraphs as altered by the board, of using the authoritative interference of the British government in such a matter. What would be said if the government of England were to call upon any of its allies in Europe to require one of their subjects to settle accounts with a British subject? and that is precisely what the board wish to be done towards the Nizam. Nay, the proposal goes even further; for whilst it contemplates relieving the parties from all risk of loss, it actually fixes the rate of interest "according to the usage of the country," in which the risk being great, the rate was proportionally extravagant; and this would, if acted upon, authorize an adjudication of interest to the trustees of Messrs. W. Palmer and Co. to almost any extent. "The usage of the country" might have been argued in favour of the Carnatic creditors; and it is the conviction of the court that, if the origin and progress of the claims of Europeans or natives upon native states, or the subjects of those states, were fully investigated, it would be found, as it was in the case of the Carnatic, that they were either wholly unfounded or principally composed of accumulated interest. The court cannot understand how, upon any principle of justice, we are to interfere to obtain for the creditors of native states, or of their native subjects, terms which were denied by ourselves to the Carnatic and Tanjore creditors; or why the authority of the British government is to be interposed, to place a British subject in a better situation than the subject of a native state, in recovering a debt from it or one of its subjects.

With respect to claims upon our own subjects or upon

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the Company, such as that of Mr. Hodges, we will only further observe, that if the ordinary legal tribunals of the country are insufficient for the investigation and adjustment of them (a fact which the court are by no means prepared to admit), the defect should be remedied, and other and more appropriate means devised than committees of parliament appointed at the instance of the claimants themselves, and in which it is not possible that a judicial investigation can be satisfactorily conducted.

It will not, we are persuaded, be thought by you, that the court are influenced upon these subjects by any narrow and misplaced considerations affecting the pecuniary interests of the Company. Although the adoption of the principle which you have urged would probably lead to the exaction of many millions sterling from the natives, yet, in point of fact, the Company are not, nor can they be, otherwise interested in the subject, than as it may affect the prosperity of India. An interference with our natives allies will cause them to be impoverished and discontented, and thus the character of our government will be implicated and our political relations deranged. Claims upon the Indian territory, if conceded, will injure our native subjects, by preventing relief from, or causing increase of taxation; and if the pressure should become to them intolerable, the crisis will arise at which this country must interpose financial aid.

We confidently trust that these contingent evils will all be averted by the determination of the king's government to co-operate with the court in steadfastly maintaining, as well in correspondence with the local governments as in discussions in parliament, when claims are brought forward there, the principle of non-interference in the pecuniary transactions of the native states. If unhappily that should not be the case, the whole responsibility of any measure of interference must rest

upon those who, in spite of the warning which experience affords, shall determine to venture upon its adoption. It will then be some consolation to the court to reflect that, in making this representation, they have discharged an important duty to themselves and to the people of India.

We have, &c.

(Signed) J. G. RAVENSHAW,
C. MARJORIBANKS.

The Right Hon. Charles Grant, M.P.
&c. &c. &c.

An outline of the "Nozeed Affair" has been presented in a note at page 243 of vol. ii. It may not be inexpedient to exhibit it more at large as laid open in the following papers:—

REPORT *of the* COMMITTEE *of* CORRESPONDENCE.

At a Committee of Correspondence, the 27th September, 1831.

The chairman calling the attention of your committee to the appointment of a select committee of the House of Commons to consider a bill "for providing for the discharge of a claim in respect of monies advanced by the late James Hodges, Esq., on security of the lands of the late Zemindar of Nozeed and Mustaphanagur, in the district of Fort St. George in the East-Indies, now under the sovereignty of the Honourable East-India Company," and informing your committee that the parties at whose instance the bill was first introduced have suggested many material alterations therein, your committee deem it to be their duty now to lay before the court their sentiments upon the subject of that proceeding.

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The bill, as it stood for the second reading, alleged, as the ground of the claim, that Mr. Hodges had advanced money to the zemindar for the express purpose of enabling him to pay his tribute to the Company. The court felt, that if that allegation could be distinctly proved, although it would not afford any pretence in law or in equity for demanding reimbursement out of the Company's funds, yet that there might be some consideration due to the claim as against the zemindar, and therefore the court abstained from petitioning against the bill upon its second reading. But in the bill, in its altered shape, that ground is abandoned, and it is simply alleged that, in consequence of Mr. Hodges's loan, the zemindar was the better enabled to acquit himself of his pecuniary obligations to the Company. If the bill had proceeded upon this ground in the first instance, the court would assuredly have taken measures to oppose the second reading, as they could not for an instant have tolerated the principle, that the Company were to interfere for the payment of the private debts of a zemindar, much less, that they were themselves to pay those debts, merely upon the plea that he, by contracting them, obtained a facility to discharge debts due to other persons.

The bill, in its original state, must, in the committee's judgment, have been rejected, since the allegation upon which it rested could not be substantiated; and if the select committee should present the bill as altered, and the house should permit it to pass, the Company will, by an alteration made *after* the second reading, have been deprived of the opportunity of being heard by counsel at the bar of the house against the principle of the measure; a privilege never, it is believed, denied to the meanest subject of the crown, when it is sought to attack his interests in any way, but more especially when the object is, as in the present case, to establish by a private bill a

pecuniary claim to which he would not otherwise be liable.

With regard to the merits of the case, as developed in the papers laid before the committee, it may be desirable, in the first instance, to state the names and situations of the parties implicated in the transactions which gave rise to Mr. Hodges's claim. They are as follow:

Opparow, the Zemindar of Nozeed, an estate ceded to the Company under the treaty with the Nizam in 1766.

Mr. John Whitehill, chief of the council at Masulipatam, who were intrusted with the management of all the Company's business with Opparow.

Right Honourable John Sulivan and Mr. James Hodges, both members of that council.

Colonel Flint, the military commandant in the district of Masulipatam, and

Sawmy Pillah, an inhabitant of Masulipatam, who at one time rented the zemindarry of Nozeed.

It is asserted on behalf of Mr. Hodges, one of the parties here named, that in 1775, when he was appointed to the Masulipatam council, he took upon him certain debts said to be due by the zemindar to three others of those parties, *viz.* Mr. Whitehill, Mr. Sulivan, and Colonel Flint; and that he (Mr. Hodges) lent Opparow further sums, the whole of which, with interest upon them, were subsequently consolidated into one sum of 57,666 Madras pagodas, for which Opparow gave his bond; and this statement, so far as respects Mr. Whitehill and Mr. Sulivan, is confirmed by the latter gentleman, who is still living, and who has stated in evidence before the select committee, that the object of the loans was to enable the zemindar to give a bonus to his bankers to induce them to become security for the payment of his tribute to the Company, and thus to prevent the sequestration of the zemindarry.

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It is therefore apparent, that the claim originated in money dealings between the servants appointed to manage the Company's affairs at Masulipatam, and one of the zemindars under the immediate control of those servants.

Mr. Hodges, in a letter to the Madras government of the 11th December, 1784, reported that these transactions were "carried on and avowed openly, not merely with the knowledge and concurrence, but with the assistance of government;" and in a memorial to the court of the 4th of May, 1793, he stated, "that he carried on his concerns with Opparow in the face of day, and with the sanction of government."

In making these assertions, Mr. Hodges must have forgotten that, according to his own account, dated the 11th of December, 1784, his last advance to Opparow, or on his account, was made in 1776, and that it was not until 1777, after all the money had been lent, that he himself placed upon record the transactions; which he then did, for the express purpose, as stated by him, of "ensuring the future sanction of government:" and in a letter addressed by him in the same year to the Chief of Masulipatam, stating the amount of his claim, Mr. Hodges said, "I give you this official information, that our debt, and the mode of its being provided for, may be completely public;" and again, in the statement delivered in by him in 1784, he declared, "My demand on him (Opparow) then growing immense, and with no prospect of immediate relief, I brought my situation before government."

Combining this evidence, furnished by Mr. Hodges himself, with the facts not only that no sanction of the transactions whilst they were taking place is to be traced, either on the records, or in the evidence given before the select committee, but also that Mr. Sulivan, when asked

if the practice of making loans to the zemindars was at all encouraged by the Indian governments, distinctly replied, "Certainly not;" your committee feel themselves bound to assume, that when these money dealings with the zemindar took place on the part of Mr. Whitehill, Mr. Sulivan, Colonel Flint, and Mr. Hodges, they were not only unsanctioned by, but unknown to, the local government.

They were first officially communicated to the council of Masulipatam in 1777 by Mr. Hodges, upon the occasion of Mr. Pringle, Mr. Hodges, and his soucar, Verdedoss, having most irregularly assumed the entire superintendence and management of the zemindarry, which was then declared by Mr. Hodges to be "first responsible to the Company," and afterwards to be liable for the debts of Messrs. Hodges and Pringle and the soucar. This arrangement appears to have been sanctioned by Messrs. Pringle and Desvœux, both members of the Masulipatam council, the former of whom was directly concerned in loans to the zemindar.

Two years were suffered to elapse before the Masulipatam council made any communication upon the subject to the government of Madras, and they were at length apprized of it in 1779, only in consequence of their having themselves called the particular attention of the Masulipatam council to the distracted and deranged state of Opparow's zemindarry. A report was then made to the government, in which the Masulipatam council mentioned Opparow's heavy debts, and proposed that the Company should take possession of the zemindarry, and appropriate the revenues first to the payment of their annual tribute, and of one-fourth per annum of the arrears until discharged; secondly, to the maintenance of the zemindar; and, lastly, the surplus, if any, to the creditors. It is worthy of observation, that in this

APPENDIX. report from the council of Masulipatam (of which both Mr. Hodges and Mr. Pringle were members), no mention whatever is made of their being creditors, or of their having assumed the superintendence of the whole zemindarry. The only notice at all applicable to their case is in the following paragraph, in which no names were mentioned:—"The payment of these (private debts) belonging to the other class, has been provided for by an agreement of some years' standing, and in this manner certain villages have been assigned over to them by Opparow, to the amount nearly of 10,000 pagodas per annum. Although this is by no means an equivalent to what they might have expected, considering the amount of the sum which they claim as due to them, they are satisfied, nevertheless, to remain upon this footing."

The Madras government replied on the 23rd of June, 1779, approving the arrangement proposed by the Masulipatam council, and recommending as managers for transacting the business Messrs. Hodges and Pringle, a recommendation which (although, indeed, Mr. Whitehill was then in council at Madras) it is hardly conceivable they would have made, had they known how these gentlemen were involved in money dealings with the zemindar.

Upon obtaining the approbation of the Madras government, the Masulipatam council entertained a proposal from Sawmy Pillah to rent the zemindarry, instead of the Company's managing it themselves; and in that proposal Sawmy Pillah offered, "For the debt due to Messrs. Hodges and Pringle, he" (Sawmy Pillah) "makes over wholly and entirely all the villages of Vyoor, amounting in a good season to about 15,000 pagodas." This proposal having been communicated to the Madras government, they (Mr. Whitehill being

second in council) were of opinion, that the Masulipatam council should be left to exercise their own judgment in the matter, and accordingly signified their approval, provided sufficient security were found for the regular payment of the Company's demands. The Masulipatam council, therefore, accepted the proposal of Sawmy Pillah, who, as the renter, placed Mr. Hodges in possession of the villages, which he continued to hold until 1784, when Lord Macartney, the governor of Madras, recorded a Minute, in which, after declaring "every kind of money transactions with the zemindars have been strongly prohibited by the Company; such dealings are injurious at all times, but when they are carried on by the very persons who are themselves intrusted with the collection of the public revenue, the pernicious tendency of them is considerably increased by the influence which those persons derive from official authority;" his lordship referred to the recognition by the government in 1779, of "any part of the transactions," as "extraordinary," as it appeared to him to be "unwarranted in its principle, and pernicious in its tendency." Considering, however, what had been done in 1779, Lord Macartney proposed, and the government resolved, to address a letter to the Masulipatam council, in which, after describing the nature of the transactions, and of the recognition of them in 1779, they said that the creditors to whom districts were mortgaged under the sanction of government, could have "no claim to the assistance of the Company but upon the following conditions, viz. First, that they cheerfully acquiesce in the surrender of the districts which they have so long and, under the circumstances above mentioned, so irregularly held under their management; secondly, that they deliver in a state of the rise and progress of their demands; and, from the time they

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were liquidated by authority, a regular annual account current, specifying the receipts and balances."

In consequence of these instructions, the Masulipatam council, on the 7th December, 1784, issued a notification, of which the following is a copy:—"Notice is hereby given, that the right honourable the president and council have been pleased to order that the creditors of Opparow, to whom districts in the zemindarry of Nozeed are mortgaged under the sanction of government, be called upon for an account of their receipts and balances stated yearly, to shew that no more than legal interest has been charged, and that the zemindar has had due credit given him for the revenue collected from the mortgaged districts; and that in case of a refusal the assignments be dissolved; also that the creditors can have no claim to the future assistance of the Company but on the following conditions:—

"1st. That they cheerfully acquiesce in the surrender of the districts which they have so long held under their management.

"2nd. That they deliver in a state of the rise and progress of their demands; and, from the time they were liquidated by authority, a regular annual account current, specifying the receipts and balances.

"That, upon these conditions faithfully performed, his lordship, &c., have expressed their willingness to recommend their case to the Company, and to establish such provision for them as can with any propriety be set apart from the superior demands of the Company. But with regard to the crop on the ground in the mortgaged districts, the creditors can for the present only be allowed the first cost and charges of sowing it; and if the accounts required from them appear satisfactory, the whole produce will be accounted for to them as received by the Company.

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"The chief and council hereby require an immediate compliance, on the part of the creditors of Opparow, with the above orders of the right honourable the governor in council, viz. that they do forthwith surrender up and relinquish all claims upon such districts as have been mortgaged to them, and that they do, as soon as possible, send in accounts as above specified; also, that no person may at any time hereafter have any ground for pleading ignorance of the intention of government, the chief and council hereby notify, in the most public manner, that all such creditors of Opparow as shall not send in their accounts regularly drawn out in the form prescribed by the governor in council by the 15th of January next, will from that time be considered as having no title or claim to the assistance of government in the recovery of their debts, and no right or title by virtue of any mortgage or assignment made them by Opparow."

It will be observed, that this notification of the Masulipatam council, whilst it recognized the mortgage as "under the sanction of government," avoided all mention of that which the government in their instructions had declared, viz. that the districts had been "so irregularly held" under the creditors. The sanction, it will have been already observed, amounted to nothing more than an approval of a proposal from Sawmy Pillah to become the renter, in which proposal he declared his intention to alienate certain villages. The condition of the arrangement being that the Company should be secured, Sawmy Pillah of course could only alienate for the time that he had possession; and it will be apparent, on reference to the despatch from Fort St. George dated the 11th February, 1785, para. 10, that in 1785 Sawmy Pillah's possession had ceased, as the collection of the revenue

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was then "intrusted to tannadars, under the joint control of the dewan of the young zemindar, and of a manager appointed on the part of the Company;" besides which, the Madras government, having the admitted power of approving the mortgage, possessed the power also to dissolve it, which power, it will be seen, is distinctly asserted in the notice before quoted, and nowhere questioned or denied by Mr. Hodges.

Upon the conditions which have been enumerated, the Madras government promised to recommend the case of the creditors "to the Company, and to establish such provision for them as can with any propriety be set apart from the superior demands of the Company. But with regard to the crop on the ground in the mortgaged districts, the creditors can, for the present, only be allowed the first cost and charge of sowing it; and if the accounts required from them shall appear satisfactory, we have resolved that the whole produce be accounted for to them as it may be received by the Company."

It may be supposed from the passage here quoted, that the government had contemplated, temporarily at least, the setting apart some portion of the revenues for the creditors, even previously to the full liquidation of all the Company's demands. Such an idea may have arisen in the first instance from a mistaken notion of the amount of revenue which the zemindarry would yield, which, in their despatch to the court, dated the 11th of February, 1785, is stated to have been greatly overestimated; but in the same despatch, after explaining that Mr. Hodges had been allowed the crop, the government, without expressing a syllable of intention to establish any further provision for the creditors, observed, "the districts taken from Mr. Hodges are now in possession of the Company, and until the public balance is

fully discharged, which will require many years to accomplish, all the private creditors of Opparow must remain in common upon the same footing."

A communication to that effect was accordingly made by the Madras government to the Masulipatam council, who conveyed it to Mr. Hodges, telling him distinctly, "you must wait until the heavy public balance, due from the zemindarry of Nozeed to the Company, is discharged, before your case can again become an object of deliberation." It is worthy of remark, that this communication, addressed to Mr. Hodges as a creditor, bears the signature of Mr. Hodges as the chief at Masulipatam.

Mr. Hodges does not appear ever to have considered that the government had pledged themselves to allow him any thing until the Company's claims should be discharged. He remained in India until 1791, and never urged such a pretension; nor is it discoverable in any of the applications made to the court by him or by his successors. Indeed, it is quite obvious that no provision could have been made by Lord Macartney's government, which would have been practically of the least benefit to Mr. Hodges; for it cannot for an instant be supposed that that government, disgusted as they evidently were with the transaction, could ever have contemplated the waiving of the government right of priority to a greater extent than had been, as already observed, proposed by the Masulipatam council, or, in other words, by the parties themselves in 1779; viz. the creditors to come in after the Company had received their regular tribute and one-fourth per annum of their arrears; and if this had been the final arrangement, Mr. Hodges would not have been in any respect better off than he is, the Company's receipts not having amounted to that proportion.

The question then is, even so far as respects Mr. Hodges' claim on the Zemindar of Nozeed—have the cir-

APPENDIX. cumstances of the case been such, that the Company's prior claims upon the zemindar either have been or could have been satisfied?

This claim amounted to 1,01,821 pagodas of annual tribute;* and an account has been produced which shews that, up to 1803, the payments for that tribute had proved deficient in the sum of 4,87,915 pagodas. In 1803 the permanent settlement was introduced into the northern circars, and the rent fixed for the Zemindarry of Noozed was 88,000 star pagodas per annum, which is 13,821 star pagodas less than the former tribute; and the Madras government perceiving that the discharge of the old balance was incompatible with the punctual realization even of this reduced rent, determined to relinquish their claim to their arrear. The object of this arrangement was, as stated in a despatch from the government of Madras, dated 22nd February, 1803, to establish "the best foundation of individual wealth;" and it cannot be contended that the creditors are entitled, in consequence of the Company having from such a motive given up their claims, to be placed in any better predicament than that in which they formerly stood.

If the Company had not relinquished their claim to arrears, there is not the most distant reason to believe that any considerable progress would have been made in their discharge, much less that they would have been altogether liquidated; whilst there can be no doubt that the relinquishment has been beneficial to the zemindarry, which must consequently be in a better state to meet the demands of private creditors than it could have been, if the Company had drained its resources to pay their arrears.

Neither can it be said that the Company unreasonably pressed upon the zemindarry previously to 1803. If the tribute had, from the first, been fixed at 88,000 star

pagodas per annum, to which it was reduced in 1803, the amount from 1774 to 1803 would have been 25,52,000 pagodas. The accounts shew that the sum which the Company actually received fell short of that amount.

From the foregoing narrative, in which the committee have endeavoured to state the facts of the case with strict impartiality, it must be evident to every unprejudiced mind, that the claim originated in transactions of the most reprehensible nature; and whilst the committee would never urge this consideration as a bar to the strict fulfilment of whatever government may have become pledged to do, yet the claimants ought, in such a case, to be left to prosecute their claim under existing laws. To make a law expressly for the occasion is a measure of extraordinary indulgence, to which it surely cannot be said that the parties to the present claim have the slightest pretension.

It is further evident, that any claim which the estate of Mr. Hodges may have in this case must be upon the zemindar, and not upon the Company. To compel the Company, by an arbitrary enactment, to pay a debt due by another person, is a measure to which your committee cannot believe that parliament will ever give its consent. It is nowhere asserted, much less proved, that the Company ever contemplated taking upon themselves the private debts of the zemindar. Their government did, indeed, recognize these debts as due from the zemindar, and the propriety of their being ultimately discharged, but this sanction cannot by any construction be made to imply the remotest idea of paying the debt out of any other funds than the revenues of the zemindarry, after satisfying all the Company's demands. The most cursory perusal of the papers will shew that the parties always looked to the zemindar for payment, and pleaded the

APPENDIX. government sanction only as the ground for the Company's interference and assistance.

The question as to Mr. Hodges' claim was always, in his mind and that of his representatives, one of time, dependent on the prior discharge of the Company's claims on the zemindar; and it has been clearly shewn in this paper, that those claims have never been discharged, nor could they have been, if the Company had continued to enforce them.

Upon the whole, therefore, your committee cannot but regard the proposed bill as a most unwarrantable attempt to make the revenues of India answerable for a private debt, and to confer an undue benefit on parties who have no other claim whatever to consideration, than that of having, by irregular means, obtained a recognition by government of dealings of such a character, as to call, not for approval and encouragement, but for the severest reprehension.

Your committee therefore submit to the court the expediency of their recording their earnest protest against the proposition, as unjust in itself, and as involving a most injurious precedent.

PETITION *to the* HOUSE *of* LORDS.

To the Right Honourable the Lords Spiritual and Temporal of the United Kingdom of Great Britain and Ireland in Parliament assembled.

The Humble Petition of the United Company of Merchants of England trading to the East-Indies,

Humbly Sheweth :

That a bill is now pending in your right honourable house, entitled "An Act for providing for the discharge of

a Claim in respect of Monies advanced by the late James Hodges, Esq., on security of the lands of the late Zemindar of Nozeed and Mustaphanagur, in the district of Fort St. George, in the East-Indies, now under the government of the Honourable the East-India Company."

That the said bill having been read a second time in your right honourable house, the same was referred to a committee thereof, for the purpose of enabling the promoter of the said bill to prove his case before the said committee.

That your petitioners have understood and believe, that the said committee are about to report to your right honourable house, that the promoter of the said bill has proved in the preamble thereof, with the exception of the last passage in the first paragraph in such preamble, and that the same has been altered accordingly in the said committee.

That at the time of issuing the order of the president and council of Madras of the 25th day of November, 1784 (hereinafter mentioned), the debt claimed by Captain James Arthur Murray, the promoter of the said bill, was due (if due at all) from Macca Narsinva Opparow, formerly Zemindar of Nozeed and Mustaphanagur, within the presidency of Madras, to Mr. James Hodges, in whose right the said Captain Murray claims to be entitled to the debt.

That the effect of the said bill, if it should pass into a law, will be to compel your petitioners to pay the private debt of the zemindar.

That your petitioners have not, *by any contract*, become liable to pay the said debt.

That your petitioners have not, at any time, possessed or received any part of the property or possessions of the zemindar, to which they had not, *by the direct admission*

APPENDIX. *of Mr. James Hodges himself,* a right preferable to that which he claimed in respect of the said debt.

That your petitioners have not, by any act whatever, deprived Mr. James Hodges, or those who represent him, of any right or remedy which he or they possessed against the zemindar, his property *or* possessions, for recovering the said alleged debt.

That the claim of Mr. James Hodges against the zemindar, amounting to 57,666 Madras pagodas, 34 fanams, and 40 cash, was made up as follows:

1st. In part of a sum of 2,750 pagodas, alleged to have been advanced by Mr. James Hodges to the inhabitants of Opparow's country.

2nd. In part of the claims of other persons against the zemindar, for monies advanced by them to him, and which claims *were assigned by such other persons to Mr. James Hodges;* and,

3rd. As to the residue of interest on the before-mentioned sums.

That the persons whose claims against the zemindar were so assigned to Mr. James Hodges appear, by his own representations, to have been John Whitehill, Esq., John Sulivan, Esq., Colonel Flint, and Arthur Sinclair, Esq.

That the said John Whitehill, at the time of his making the advances to the zemindar which the said Captain Murray now claims, by virtue of the assignment thereof to Mr. James Hodges, was the chief of the council of Masulipatam, afterwards president of the council at Fort St. George.

That the said John Sulivan was also a member of the said council of Masulipatam; and that the said Colonel Flint was in the military service of your petitioners, and employed in the forces stationed in the northern circars;

and that the said Arthur Sinclair was in the civil service of your petitioners.

That from the year 1773 until 1786, Mr. James Hodges was a member of the council of Masulipatam.

That the terms and rate of interest at which the aforesaid advances were made by the said Mr. John Whitehill, Mr. John Sulivan, Colonel Flint, and Mr. Arthur Sinclair, to the zemindar, have not been disclosed by the promoter of the bill; but from the only evidence to which, at this distance, your petitioners can refer (that of official documents) it appears that a *part only of Mr. Sulivan's claim* against the zemindar was assigned to Mr. James Hodges, and that a *share of the same claim* was assigned to Mr. Alexander Pringle; and that the *share so assigned to Mr. Alexander Pringle originally carried interest at twenty-four per cent. per annum*; and that the same, and even a higher rate of interest, was charged against the zemindar by other persons at that time.

That, from the circumstances last adverted to, and the character of the pecuniary transactions in which European money-lenders were engaged with the native powers and zemindars in India, your petitioners confidently believe that, if the origin of the claims of Mr. James Hodges were investigated (which it never has been), it would appear that the same were of a nature which no court of law or equity would sanction or enforce.

That the promoter of the said bill has relied upon certain transactions which took place in India at the time Lord Macartney was governor of the presidency of Madras, as having given an *ex post facto* sanction to his claim, and as protecting the origin of such claim from investigation.

That your petitioners scarcely deem it necessary to observe, that the effect of such sanction, if admitted, could

APPENDIX. have done no more than remove objections to which the claim of Mr. James Hodges, as a servant of your petitioners, would otherwise have been subject *as against the zemindar*, and could not have made your petitioners liable to the payment thereof; which, in fact, Lord Macartney had not, and never assumed the power to do.

That the origin of the said claim was *not* investigated by Lord Macartney.

That the acts of Lord Macartney, relied upon by the promoter of the bill as having given an *ex post facto* sanction to the said claim, proceeded, on his part, upon the supposition that the said claim had received the sanction of a former government.

That the only sanction the said claim appears to have received from any government anterior to that of Lord Macartney, were acts of those governments of which Mr. Whitehill and Mr. James Hodges were members.

That at the time of the alleged sanction being given to the said claim by Lord Macartney, the tribute or land revenue and assessment due from the zemindar to the government for the zemindarry which he rented from your petitioners, at certain fixed annual rates agreed upon, were greatly in arrear.

That the right of the government in India to be paid such arrear of tribute, *singly and in the first instance*, before any of the private creditors of the zemindar were paid, was asserted by Lord Macartney, and never disputed by Mr. James Hodges, and was in repeated instances *expressly and voluntarily admitted by Mr. James Hodges himself.*

That Lord Macartney never held out to Mr. James Hodges any expectation that his claim *would be paid by your petitioners*, or any expectation whatever, except the expectation that, when the public balance due from the

zemindar was discharged (which it never has been), his case should become *an object of deliberation with the council of Fort St. George.* APPENDIX.

That in the month of June, 1779, the territories of the zemindar were sequestered by government, to recover payment of the stipulated tribute or assessment due from the zemindar. This sequestration was the act of the council of Masulipatam, of which Mr. James Hodges was a member.

That the villages holden by Mr. James Hodges in the month of November, 1784, the surrender of which was demanded by Lord Macartney, at that time were holden by Mr. James Hodges under the government of Madras, as sequestrators of the territories of the zemindar, and not under the zemindar. In support of which last allegation your petitioners humbly crave your lordships' attention to the following facts:—

In or previously to the month of July, 1777, the eight pergunnahs of Opparow were put under the management and superintendence of *Mr. James Hodges* and *Mr. Alexander Pringle,* the co-assignee of Mr. Sulivan's debt.

The precise time that Opparow's eight pergunnahs remained under the management and superintendence of *Messrs. Hodges* and *Pringle* does not appear; but it appears that in the month of November, 1778, his country was divided, and under the management of different persons.

In the month of June, 1779, the territories of the zemindar were sequestered, as before mentioned, by the recommendation of the council at Masulipatam, of which Mr. James Hodges was a member, to obtain payment of the public debt.

The management of the territories of Opparow under the sequestration was offered to Messrs. Hodges and Pringle, but they did not accept it.

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It being considered the most beneficial mode of obtaining the benefit of the sequestration, and at the same time most agreeable to the zemindar, that his territories, whilst under sequestration, should be rented rather than kept under the management of government, the proposals of a person of the name of Swaumy Pillee, for renting the zemindarry, were accepted by the government of Fort St. George.

At the time of the lease to Swaumy Pillee, it was expected that the arrears of tribute due from Opparow to the government would be paid off in four years; and on that expectation, the government of Fort St. George consented that Swaumy Pillee should make over to Messrs. Hodges and Pringle certain villages, part of the territories of which Swaumy Pillee was lessee.

The villages so made over by Swaumy Pillee to Messrs. Hodges and Pringle (and which they held under and at the will of the government) were the same villages, the surrender of which was demanded by Lord Macartney.

That the possession of the same villages by Mr. James Hodges, from the month of July, 1779, until the month of November, 1784, was an act of bounty on the part of the government, and a voluntary concession of their prior rights, and which, by the established principles of equity, the government was at liberty to determine at its pleasure.

That Mr. James Hodges was permitted to remain in possession of the said villages until the month of November, 1784, when the exigencies of government made it an imperative act of duty to enforce its paramount claims, and the irregularity of such permission appears to have been severely censured by Lord Macartney.

That, contrary to the expectations entertained by the government of Fort St. George in the month of June, 1779, and in the month of November, 1784, the arrears

of tribute due from the zemindar increased from that time.

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That from the year 1784 down to the time of the permanent settlement of 1803, the arrears due from the zemindar gradually increased, and at the date of the permanent settlement the amount of arrears due from the zemindar to the government was 4,87,915 pagodas.

That the assessment or tribute payable by the zemindars of India, previously to the permanent settlement of 1803, was from time to time arranged by government with the zemindars.

That the assessment or tribute at which the zemindar of Nozeed was assessed was, as your petitioners believe, a proper and moderate rent, and proportionate to the value of his territories; and Mr. Hodges, and the members of the council of Masulipatam, were the persons whose duty it was to regulate the same at a just amount.

That Mr. James Hodges, though a resident in India and a member of council, never alleged or pretended in his lifetime, that he had any claim against your petitioners founded upon a supposed excess of tribute demanded of the zemindar.

That the real cause of the inability of the zemindar to pay his tribute was his own improvident and rebellious conduct.

That your petitioners cannot, in justice to themselves, forbear observing, that by means of advances made to the zemindar, he was enabled to persevere in the course of extravagant conduct to which they have before adverted, *ruinous to himself, and seriously injurious to the interests of the country and of your petitioners,* inasmuch as he was by such advances enabled to divert the revenues of his country, which ought to have been applied to the pay-

ment of his tribute, to the support of rebellion against the government.

That the said *Messrs. Hodges* and *Pringle* had many transactions with the zemindar on their own account, *subsequently to the time of the assignment to them of Mr. Sulivan's claim.*

That the monies received by *Messrs. Hodges* and *Pringle*, whilst the eight pergunnahs of Opparow were under their management, ought, as your petitioners are advised, to have been applied in payment of their earliest debt, namely, that which they claimed by assignment from Mr. Sulivan and others.

That in the month of November, 1784, the debts which Mr. James Hodges claimed by assignment were principally insisted upon and submitted to Lord Macartney; and the actual transactions between *Messrs. Hodges* and *Pringle* themselves and the zemindar were withdrawn from his notice.

That money transactions between zemindars and members of council were prohibited by the government of India, and were inconsistent with the duties of a member of council; and, in particular, by an order of the Court of Directors, dated 11th June, 1777, issued to the government of Fort St. George, the receipt of which was acknowledged by Mr. Hodges on the 17th December, 1777, it was ordered, "That no Company's servant, or any person under the Company's protection, be permitted to lend money to any of the country powers in India, nor to any person or persons holding commissions under, or employed by them, directly or indirectly, to be repaid at a future time, on mortgages, or securities in the nature of mortgages upon lands, or from the produce, or any growing revenue of the country. In direct violation of which regulation, the representatives of Mr. Hodges set up a

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mortgage security dated in August, 1779, and allege that Mr. Hodges was then permitted by the government of Fort St. George to enter upon the possession of the villages, from which he was removed by Lord Macartney and the government in 1784.

That on the 7th April, 1792, Mr. James Hodges presented a memorial to your petitioners, asking their assistance in procuring the restitution of the said villages.

That on the 7th day of May, 1792, your petitioners communicated to Mr. James Hodges, in writing, their resolution not to comply with the request contained in his memorial.

That on the 4th May, 1793, Mr. James Hodges again presented a memorial to your petitioners, asking compensation for the loss sustained by him in respect of the said claims.

That on the 9th May, 1793, your petitioners communicated to Mr. James Hodges, in writing, their determination not to make him any compensation in respect of his said claim.

That in the month of September, 1794, Mr. James Hodges died.

That in the month of January, 1801, Mrs. Ann Hodges, the widow and personal representative of Mr. James Hodges, presented her memorial to your petitioners, praying them to take her case into their consideration, and to grant her relief in respect of the said claim.

That on the 26th day of January, 1801, your petitioners communicated to Mrs. Ann Hodges, in writing, their resolution not to comply with the prayer of her memorial.

That in the year 1803 the permanent settlement was introduced into the territories under the presidency of Fort St. George, in which the zemindarry of Nozeed is situated, and your petitioners, on that occasion, relin-

quished the aforesaid balance of 4,87,915 pagodas, which then remained due to them from the zemindar for arrears of tribute, and restored his family to the possession of the zemindarry of Nozeed and Mustaphanagur.

That the relinquishment by your petitioners of the aforesaid arrears of tribute, and the restoration of the family of Opparow to the zemindarry of Nozeed and Mustaphanagur (attended as it was with sacrifices so great to themselves), were acts which nothing could have induced on their part, but a sense of what was due from them in the discharge of their first and highest duty, the due administration of the government and the affairs of India.

That, in the present case, Mr. James Hodges and those who represent him have not, in fact, sustained any damage or prejudice by the acts of your petitioners.

That until the instrument was produced in your lordships' committee on this bill, your petitioners were ignorant that the said James Arthur Murray held any instrument of mortgage of any part of the territories of the zemindarry of Nozeed.

That notwithstanding the positive refusal of your petitioners to entertain the memorial of Mr. James Hodges in the years 1792 and 1793, and of Mrs. Anne Hodges, his widow and personal representative, in the year 1801, no application has been made to your petitioners on the subject of the said claim from the 26th January, 1801, until the present time.

That the said claim, if valid now, was equally valid at the date of the permanent settlement of 1803.

That if the circumstances under which Mr. Hodges was removed by the government of Fort St. George from the possession of the said villages amounted to an agreement, by which your petitioners became responsible to Mr. Hodges for the debt of the Zemindar of Nozeed, upon

any event which has happened, such agreement might have been enforced against your petitioners in the courts of law and equity in India, and in this country, to which your petitioners are amenable.

That after the great length of time (now nearly half a century) which has elapsed since the transactions in question took place, it is impracticable for your petitioners fully to investigate or ascertain the truth of the case.

That your petitioners humbly submit, that in a case like the present, in which your lordships are called upon not to enforce, but to create a right, it is incumbent on the promoter of the bill not only to prove a case for charging your petitioners, which they humbly submit he has not done, but to prove a case free even from suspicion, and also to explain and justify the unprecedented delay, by which alone your petitioners feel themselves greatly aggrieved.

Your petitioners, therefore, most humbly pray your lordships that they may be heard by their counsel against so much of the said bill as affects their rights and interests, and that the said bill may not be read a third time in your right honourable house; and that your petitioners may have such relief in the premises, as to the justice and wisdom of this right honourable house shall seem meet.

And your petitioners, as in duty bound, will ever pray, &c.

May, 1832.

The bill, it will be remembered, passed, and the people of India had to pay the representatives of Mr. Hodges.

The nature of the claim of Mr. Hutchinson on the Rajah of Travancore is shewn in the following papers:

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LETTER *from the* CHAIRMAN *and* DEPUTY CHAIRMAN *of the East-India Company to the* PRESIDENT *of the India Board.*

SIR: East-India House, 28th February, 1833.

We have the honour, at the request of the Court of Directors of the East-India Company, to call your immediate and particular attention to the circumstance of leave having been given to introduce a bill into the House of Commons, for favourably adjusting the claim of the estate of the late Mr. John Hutchinson upon the Rajah of Travancore.

The court's sentiments upon the subject of this claim, generally, are recorded in a report from the committee of correspondence, dated the 11th of April, 1832, a copy of which we enclose.

Since the date of that report, certain accounts have been produced to the parliamentary committee of last session on behalf of the claimant, which appear to the court so materially to strengthen the view which they before took of the subject, that they have requested us to submit to you the following statement of the result of their examination of those accounts, as shewing, contrary to the allegations of Mr. Hutchinson in his petition to the house, that the debt which he claims to be due to the estate did not arise from "money advanced to the rajah," and as also affording an insight into the objectionable nature of his transactions with that prince.

The amount of this debt is 4,89,735 Surat rupees, according to the professed settlement of accounts made with the Rajah of Travancore, by Mr. George Parry, on behalf of Mr. Hutchinson's estate, on the 13th of March, 1800; but this sum of 4,89,735 rupees is the balance of a great many entries, reaching back as far as the com-

mencement of the year 1792. In the running account with the rajah, the total of the charges against that prince is 9,59,143 rupees, and the total of the credits 4,69,408 rupees, leaving, as aforesaid, a balance against him of 4,89,735 rupees. APPENDIX.

The charges against the rajah consist of the following items. The first entry is :—

			Surat rupees.
An unexplained balance, the date annexed to it, 16th February, 1792			69,443

Then follow :

Charge for a horse sold to the rajah's minister ...		700
140 candies of pepper sold to the rajah ...		23,800
A piece of taffaty ditto		14
Profit charged on pepper not really sold ...		43,335
Balance of an account with the rajah's minister transferred to the debit of the rajah, what or wherefore *not explained*		11,004
Ditto ... ditto ... ditto ...		32,446
500 candies of light pepper sold to the minister, but charged to the rajah himself		95,000
Penalty charged against the rajah for not having paid an amount borrowed, whereas the accounts (as the preceding entries testify) do not shew that a single rupee had been lent to him ...		25,000
Interest at 12 *per cent.* on the preceding sums		20,046
Further interest, at what rate or on what sums not stated		60,198
Due for gain, cassia, coir, cables, ropes, and *loose coir,* sold by his dewan, ESTIMATED ! ...		1,00,000
Exchange charged against the rajah		7,805
Payments to the rajah on account of a *pepper contract*	50,000	
	36,000	
	3,757	
	1,50,000	
(for pepper) ...	10,560	
		2,50,317

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	Surat rupees.
Forfeit by the rajah, in consequence of the non-delivery of pepper by him	69,240
Interest at 10, 12, and 18 per cent. per annum upon the above payments to the rajah ...	1,50,796
Total charges against the rajah ...	9,59,143

The items composing this total may consequently be thus classed :—

	Surat rupees.
Unexplained balance opening the accounts, professed date 16th February, 1792	69,443
Balances of accounts with the *rajah's minister transferred* to the *debit* of the *rajah himself*, wherefore or on what account not explained	43,450
A *horse* and *pepper sold* to the *minister*, but *charged* to the *rajah himself*	95,700
Due for *gain*, *cassia*, *coir*, *cables*, *ropes*, &c. &c. sold by the minister, ESTIMATED !	1,00,000
Profit charged on *pepper not really sold*, *penalty* for not having paid a sum said to have been borrowed by the rajah, and *forfeit* by the rajah for not having delivered pepper	1,37,575
Interest on the account against the rajah, on what sums and at what rate partly not explained, and including interest at 18 PER CENT.	2,31,039
Exchange charged against the rajah	7,805
Pepper, &c. sold to the rajah	23,814
Cash advanced to the rajah in consideration of an agreement made by him to deliver pepper ...	2,50,317
Total ... Surat rupees	9,59,143

It thus appears, that of the aggregate debit against the rajah made by Mr. Hutchinson, and amounting to nearly 9,60,000 rupees, only 2,74,131 rupees was for

goods sold and cash advanced to the rajah, the remainder consisting of balances unexplained, and transferred from an unknown account with the minister of assumed profit, forfeits, and penalties, and of interest. It is therefore fully established by the accounts of the claimant, that the debt of 4,89,735 rupees, now claimed on behalf of Mr. Hutchinson's estate, did *not* arise from "money advanced to the rajah."

It has been already stated, that the total credits to the rajah, in the account with Mr. Hutchinson, amounted to 4,69,408 rupees.* Now, of what do they consist? The *actual cash* paid by the rajah to Mr. Hutchinson was 4,20,000 rupees; value of *pepper delivered*, 44,008; exchange, 5,400 rupees. Thus, while the rajah received cash and goods to the amount of only 2,74,131 rupees, he paid to Mr. Hutchinson in cash and goods 4,64,008 rupees, and yet a debt is still claimed from him of 4,90,000 rupees! Might it not rather be said, that if strict justice were to be done on the occasion of ripping up these old transactions, the Rajah of Travancore would have something to receive from Mr. Hutchinson's estate instead of something to pay thereto?

The court wish also to point out to you the *nature* of the *trade* of Mr. Hutchinson with the *Travancore Rajah*, as elucidated by the accounts of the complainant himself. In the first place, we find from those accounts that Mr. Hutchinson, on the 30th of April, 1793, charged the rajah with *profit* upon *pepper* which he had promised to deliver. The rajah could not fulfil both his contracts to the Com-

	Surat rupees.
* Total debits	9,59,143
Do. credits	4,69,408
Debt now claimed	4,89,735

pany and his promises to Mr. Hutchinson, and therefore Mr. Hutchinson, whose official duty it was to see that the rajah delivered pepper to the Company in preference to all other persons, entered in his accounts, to the debit of the rajah, a sum of 43,335 rupees for profit which he assumed he should have made of the pepper if it had been delivered, and this expected profit forms part of the debt now claimed.

But, further, it is apparent from the accounts, that a system of mutual accommodation subsisted between Mr. Hutchinson and the rajah; that is, sometimes the rajah sold pepper to Mr. Hutchinson, sometimes Mr. Hutchinson sold pepper to the rajah. But what were the terms of this exchange? Why, on the 7th of June, 1792, the rajah sold Mr. Hutchinson 496 candies of pepper at 84 rupees per candy. On the 30th of August in the same year, he sold him 26 candies at the same price, and on the 26th of July, 1793, two candies more at the same price. Here was a fixed price at different times, and the evils of fluctuation in the market were effectually prevented in the sales by the rajah to Mr. Hutchinson.—But let us turn to the other side, and view Mr. Hutchinson as the seller instead of the rajah.—On the 31st October, 1792 (the *same year*), he sold to the rajah 140 candies of pepper at 170 rupees per candy, and on the 30th April, 1793, charged him with an assumed profit, calculated at the same price, upon an imaginary transaction in pepper. And further, on the 30th April, 1795, he again sold the rajah 500 candies at 190 rupees per candy; and then, on the 20th November following, contracted with the rajah to deliver him 500 candies (the same quantity) at only 130 rupees per candy!! Thus the same pepper which in the rajah's warehouses was originally worth only 84 rupees and 130 rupees a candy, went to Mr. Hutchinson, and was again lodged in those very warehouses worth 170 and 190 rupees.

Lastly, we find that Mr. Hutchinson, in October, 1795, charged the rajah with no less than a lac of rupees for *estimated* gain upon ropes, loose coir, and cables; that at the close of the same year he advanced to the rajah, under cover of a pepper contract never fulfilled, two lacs and a half of rupees, the only cash with which Mr. Hutchinson ever parted; and that, on the 13th March, 1800, his estate received back four lacs and twenty thousand rupees, being the above principal, with a real interest thereon of more than 16 per cent. a year.

We have no doubt that the foregoing statement will satisfy you that Mr. Hutchinson has not the slightest pretence to the relief which he claims from parliament; and as the principle of requiring the Indian government to exercise interference with our ally in support of such claims, and ultimately to pay the amount out of the Indian revenues if the rajah fail, is in the highest degree objectionable, and fraught with mischief and injury to those whom we are bound to protect, the court confidently rely on your resisting the second reading of the bill, against which they have resolved to petition.

The success which so unfortunately attended a recent case of the same kind, notwithstanding the powerful opposition given to it, in principle and in detail, by the Lord Chancellor, has shewn the expediency of resisting in their earliest stages these dangerous attacks on the revenues of India, or of those of the native states; and the court trust that, upon this occasion, the King's ministers will be enabled to render the attempt futile by objecting to it *in limine*.

We have, &c.

(Signed) J. G. Ravenshaw,
C. Marjoribanks.

The Right Hon. Charles Grant, M.P.
&c. &c. &c.

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Report *of the* Committee *of* Correspondence.

At a Committee of Correspondence, the 11th April, 1832.

Pursuant to the court's references of the 9th of November and 14th of December last, your committee have taken into consideration letters from Mr. Bury Hutchinson, dated the 8th of November and 9th of December, transmitting in the former a printed statement of his case, and in the latter a copy of a petition which he has presented to the House of Commons, soliciting that his alleged grievances may be redressed.

It will be observed from the statements contained in a subsequent part of this report, that the subject of Mr. Hutchinson's claims on the Rajah of Travancore first came under the court's consideration in 1807, and that their proceedings on that occasion were framed from a desire to obtain perfect information before any definite measures were adopted.

The following is a narrative of the circumstances of the case:

Mr. Bury Hutchinson is stated to be the legal representative of the late Mr. John Hutchinson, of the Bombay civil service, who held the office of commercial resident at Anjengo. At that time there was no political officer of the British government stationed at the court of Travancore. The Company were in the habit of contracting with the Travancore state for the supply of pepper and cloth for their annual investments, and the arrangement of these contracts brought Mr. Hutchinson into frequent communication with the rajah and his minister.

Under these circumstances, Mr. Hutchinson appears to have entered into private commercial dealings with the Rajah of Travancore. The precise terms and extent of these dealings are not clearly developed; but from the

statements at different times furnished by Mr. Hutchinson's representatives, it would seem that he lent money to the rajah, and also made engagements, in his private capacity, with that prince, for the supply of pepper, the same article which, as commercial resident at Anjengo, it was his duty to provide for the Company's investment.

Your committee deem it important here to remark, that by the court's orders to the government of Bombay, dated the 4th of July, 1777, all loans of money by the Company's servants "to any of the zemindars or people in government were positively forbid in future, on pain of suspension from our service;" and with respect to transactions in pepper, the article which it was Mr. Hutchinson's principal duty to see was regularly delivered to the Company, it is observable that, in the year (1795) in which Mr. Hutchinson entered into a pepper contract with the rajah in his private capacity, which involved the forfeiture by his highness of pecuniary penalties in the event of the pepper not being delivered, Mr. Hutchinson, in his public capacity as commercial resident, actually informed the Bombay government (*vide* Bombay Commercial Consultations, 15th May, 1795) that he apprehended the rajah was intending to "defraud the Company of their rights by gaining time to dispose of their pepper in other channels. Indeed," added Mr. Hutchinson, "from what Mr. Dyne writes, there is pepper lodged on several parts of the coast, and he has actually been shipping off at Aleppie. I am persuaded the dewan has received more money for pepper, both from the Company and others, than he is able to furnish of that article, and wishes to give all parties a proportion this year."

Towards the close of the year 1797 Mr. Hutchinson died, and a few months after the rajah died also.

A considerable debt was at this time claimed to be due to Mr. Hutchinson, and it appears that his representative

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appointed the house of Messrs. Forbes and Co. at Bombay to act for his estate, and that they nominated Mr. George Parry (who had succeeded to the situation of commercial resident at Anjengo) to arrange Mr. Hutchinson's affairs with the government of Travancore. Accordingly, in 1800, a statement of the account between the parties took place; the result of which was, that after giving the rajah credit for a sum of 4,20,000 rupees paid by him to Mr. Hutchinson in 1796, there remained a balance due to the latter on the 13th March, 1800, of 4,89,734 Surat rupees, interest included. It was then agreed that this balance should be liquidated by instalments;* and that if these instalments were regularly paid, no further interest should be charged. In pursuance of this arrangement a payment of rupees 1,00,000 and three payments of 60,000 rupees each (2,80,000 rupees in all), appear to have been made to Mr. Parry by the Travancore rajah on account of the estate of Mr. Hutchinson; in consequence of which the balance claimed as due to the estate was by the year 1803 reduced to 2,09,734 Surat rupees. At this period Mr. Parry quitted the commercial residency of Anjengo, and Mr. Handley, his successor in office, was immediately nominated by Messrs. Forbes and Co. to act (conjointly with Mr. Snow, second assistant at the Anjengo factory) on behalf of Mr. Hutchinson's representatives, in recovering the balance

* 2,00,000 rupees in	1800
60,000 by 30th April	1801
60,000	1802
60,000	1803
60,000	1804
49,734	1805
4,89,734	

which still remained due from the Rajah of Travancore. Thus far matters had advanced, when the circumstances took place which brought the claim to the notice of the Bengal government. So far back as the year 1799 a regular political functionary had been permanently stationed at the court of Travancore, but in 1803 the governor-general in council (Marquis Wellesley) judged it necessary, owing to the prevalence of intrigues at that court, which were considered hostile to the public interests, to confine all intercourse with the rajah's durbar to the official channel of the resident. In consequence of this restriction Messrs. Handley and Snow (agents for Mr. Hutchinson's estate), on the 14th May, 1804, transmitted to the resident an application to the Dewan of Travancore for payment to them of a fifth instalment of the debt due to the estate. Major Macaulay (the resident) immediately forwarded a copy of this application to the Bengal government; and on Messrs. Handley and Snow making a second communication to him, a correspondence ensued between them on the subject of the claim, the whole of which was also forwarded to Bengal. The supreme government, on the 19th July, 1804, informed the resident that they approved his having declined to interfere in the adjustment of the demand brought forward, and directed him to inform Messrs. Handley and Snow that no interference on their behalf would be allowed till the government should be satisfied that their claim was founded in justice, and of such a nature as to require a deviation from the general principles of policy which regulated the conduct of the government towards states in alliance with it. Further correspondence thereupon took place with Messrs. Handley and Snow, and the subject was also brought to the notice of the Travancore government by the resident. Documents were produced by these gentlemen in support of the claim, while, on the

APPENDIX. other hand, the rajah's dewan declared that the "debt called Mr. Hutchinson's debt originated chiefly in fictitious transactions, and for the greatest part had no just foundation."

On a review of all these proceedings, the authorities in India at length came to a decision, in the year 1807, that in the existing state of the question the parties should be left to settle the claim between themselves.

The subject was brought to the court's notice by the Madras government in political letters, dated the 6th March, and 21st October, 1807. The court, in reply,* after remarking on the defective nature of the information regarding the origin of the claim, desired that the Bombay government should be called on to state whether they had any knowledge of money transactions between the late Mr. Hutchinson and the Rajah of Travancore, and directed, in the meantime, that the resident should not only be restrained from interference in the adjustment of the claim, but enjoined to recommend to the rajah to decline any further payment on account of it, until its justice was made out to the satisfaction of the Madras government.

The reply of the Bombay government to the reference made to them added little or nothing to the information before the court on the subject. The chief point to be noticed in it is, their admission that the *fact* of dealings between the late Mr. Hutchinson and the Rajah of Travancore must have been within the knowledge (*as individuals*) of the parties composing the Bombay government, the trade in pepper or other products in Travancore not having then been interdicted to the commercial residents.

On the 9th September, 1812, the court, in a political despatch to Madras, again adverted to the claim brought

* Political Despatch to Madras, 7th September, 1808.

forward by the representatives of Mr. Hutchinson, and directed that another reference should be made to the Travancore government, in order to procure an elucidation of its rise and progress. The required information not having been received, and in the meantime the representative of Mr. Hutchinson having twice memorialized the court on the subject, these orders were repeated on the 20th October, 1819, 11th April, 1821, and 5th March, 1823; and at length the Madras government, in a letter dated the 24th December, 1822, laid before the court all the information which could be obtained from the records of Travancore regarding the transactions between that state and the late Mr. Hutchinson, of Anjengo. The contents of this communication failed, however, to throw any further light on the origin and nature of those transactions.

The court, in finally reviewing the subject, on the 12th May, 1824, fully concurred in opinion with the Madras council, that "the pretended debt to the late Mr. Hutchinson, even granting it to be in other respects unquestionable, was not of a character to receive the countenance of their government, and to be insisted on through its agency." On the other hand, they agreed to modify that part of their instructions of 7th September, 1808, in which it was enjoined that the Rajah of Travancore should be recommended to decline any further payment to Mr. Hutchinson's heirs till the justice of the claim was made out to the satisfaction of the Madras government, and expressed their wish to be to leave the parties entirely to themselves, and to abstain from all interference in the matter one way or the other.

The government of Travancore, however, not having been induced to make any further payment on account of this claim, the representative of the late Mr. Hutchinson has now petitioned the House of Commons to in-

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terfere in his behalf. The following appear to be the principal grounds on which the interference of the legislature is solicited :—

That the transactions out of which the debt claimed from the Rajah of Travancore arose were *bonâ fide*, that they took place before the passing of the Act of 1797, which prohibited loans from British subjects to native princes, and that Mr. Hutchinson's advances to the rajah were, in great part, for the purpose of enabling the latter to fulfil his political engagements and commercial contracts with the Company.

That, on the 13th March, 1800, the existence of a balance of 4,89,735 rupees due to the estate of Mr. Hutchinson was admitted by certain officers of rank appointed by the rajah's nephew and successor to investigate the accounts of the foregoing transactions, and that payments to the amount of 2,80,000 rupees were subsequently made by the rajah as part of the said balance.

That the Court of Directors, in a despatch of the 7th September, 1808, prohibited the Rajah of Travancore from making any further payment to Mr. Hutchinson's representatives, until the justice of the claim was established to the Madras government, thereby preventing such payment at a time when the rajah was able and willing to make it.

That at length, after many years had elapsed, the court* withdrew the recommendation which they had caused to be transmitted to the rajah in 1808, and expressed their wish to leave the parties entirely to themselves; but that this act of the court could in no degree conduce to the attainment of justice, while, at the same time, it must be taken as an admission that no reasonable doubt could be raised respecting the debt; and, lastly,

* In 1824.

That the Company virtually adopted the said debt when they took possession of the territories and revenues of Travancore. APPENDIX.

The two inquiries which appear to suggest themselves in this case are: What evidence is there to shew that the representative of Mr. Hutchinson has a just claim upon the government of Travancore? and, secondly, Can the Company be considered at all responsible for the payment of any such claim, or bound to enforce, or even recommend the payment of it by the rajah's government?

In answer to the first inquiry thus much must be conceded: that the Rajah of Travancore, with whom it is alleged that the late Mr. Hutchinson had pecuniary dealings, appears, either by himself or his minister, to have admitted the existence of such dealings, and that very nearly to the extent of which Mr. Hutchinson's representatives have since maintained that they occurred: that this rajah's successors did, in 1800, come to a settlement of accounts with Mr. Parry, the gentleman appointed to act for Mr. Hutchinson's estate, by which he admitted a balance of 4,89,734 rupees to be due to that estate, and that up to 1803, payments amounting to 2,80,000 rupees were actually made by the rajah, which reduced the debt to 2,09,734 rupees. But in 1804 the existence of this claim was brought to the knowledge of the Bengal government by the British resident in Travancore, inquiries took place, and the rajah's dewan, who it would appear had been changed in the meantime, then declared that the "debt called Mr. Hutchinson's debt originated chiefly in fictitious transactions." Nothing specific, however, has been produced by the Travancore government to prove this assertion; but, at the same time, there is sufficient in the documents produced by Mr. Hutchinson's representatives to shew that that gentleman's transactions

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with the rajah were of the most objectionable kind, and that a large portion of the debt consisted of accumulated interest and fines for non-performance of certain agreements.

The account between the Travancore rajah and Mr. Hutchinson's estate, drawn up in 1800, gives the following results :—

Rajah of Travancore in account with the Estate of Mr. Hutchinson.

Dr.	Rupees.	Cr.	Rupees.
To amount admitted by the rajah as due in July, 1795 ...	4,39,383	By amount paid to Mr. Hutchinson in September, 1796	4,20,000
Sundry sums of money advanced to the rajah in 1795 and 1796	2,39,757	Balance due to Mr. Hutchinson's estate on the 13th March, 1800 ...	4,89,735
Amount of 64 candies of pepper sold to him in 1796 ...	10,560		
Forfeit for non-performance of a pepper contract for 1,154 candies ...	69,240		
Interest at 10, 12, and 18 per cent. on the sums of money advanced	1,50,795		
Rupees ...	9,09,735	Rupees ...	9,09,735

The transactions which led to the debt of 4,39,383 rupees, forming the first item in this account, cannot be fully ascertained.* It is clear that a large part of it

* The accounts remarked upon by the court (See No. I. of this list) were produced *after* this report was passed.

arose from actual loans of money to the rajah; but it is also certain, from the letter of the rajah's minister, dated 22nd October, 1795, that it included interest: and in a bond given by the dewan on 21st March, 1794, which acknowledged his having borrowed of Mr. Hutchinson coins of various denominations of the value altogether of about 1,35,000 rupees, the rajah is made to agree not only that the amount should bear interest at 12 per cent. per annum, but that, if the amount were not repaid at the end of seven months and ten days, the penal sum of 25,000 Bombay rupees should be paid in addition. Looking to this fact, and to the general character of the transactions between the Rajah of Travancore and Mr. Hutchinson, it is evident that a large portion of the old debt of rupees 4,39,383 consisted of interest and penalties; and it appears on the face of the account that 2,20,035 rupees of the new debt were of the same description. Although, therefore, there is no evidence to shew that the debt to Mr. Hutchinson originated for the most part in transactions positively "fictitious," there is sufficient, if we advert to the disadvantageous, not to say ruinous, conditions on which money was advanced to the rajah, and consider the influence which, in making those conditions, Mr. Hutchinson must have derived from his situation as the Company's resident, to place his claim in a doubtful light, the more especially, when it is remembered that Mr. Hutchinson's representatives have recovered more than the principal.

The next question is, whether, if the justice of their claim upon the Rajah of Travancore were even clear, the Company have become so implicated as to be at all responsible for the payment of it themselves, or bound to enforce such payment upon the government of Travancore.

It is asserted in the petition to the House of Com-

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The last question is, whether the Company can be legally implicated in this claim in consequence of their interference in 1808, when the court directed that their resident should be instructed to recommend the rajah to make no further payment in liquidation of the alleged debt to Mr. Hutchinson's estate, until the justice of it was established to the Madras government? It is asserted in the petition of Mr. Bury Hutchinson to the House of Commons, that the Company thereby prevented the payment of a debt at a time when the rajah was willing to make it. This, however, is so far from the case, that four or five years before that step was taken, the rajah's dewan had denounced the claim as one which had arisen from fictitious transactions, and during the

whole of the interval which ensued, the court of Travancore shewed no disposition to make any further payment to the estate of Mr. Hutchinson. The only effect of the court's proceeding, therefore, must have been to relieve the rajah from any fear which he may have entertained, lest the British government should be induced to become the advocates of a claim brought against him by one of their own servants.

The court, indeed, could not well have abstained from such a measure of recommendation as that which they directed in the despatch to Madras of the 7th September, 1808. The suspicious character of the transactions alleged to have taken place between Mr. Hutchinson and the rajah, the fact that at the period when they were represented as having occurred the most corrupt practices had existed among their servants on the coast of Malabar, and the position in which the British government stood, both with respect to the rajah and to Mr. Hutchinson, must all have combined, in the opinion of the court, to call for an interference, the only object of which was to discourage an act of injustice from being committed against the rajah's government.

Mr. Hutchinson, in his petition to the House of Commons, asserts that the claim was sanctioned by several governors-general, viz. the Marquis Wellesley, Sir George Barlow, and Lord Minto.

So far as respects the Marquis Wellesley, Mr. Hutchinson does not attempt to substantiate his statement; and your committee have caused the Company's records to be fully searched, and they have not been found to contain the slightest evidence of the least disposition on the part of his lordship or his government to favour or countenance the claim.

With regard to Sir George Barlow, Mr. Hutchinson, in the printed statement of his case, states as follows:—

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"But in the year 1806 the political resident again interfered, when Sir George Barlow caused a fresh inquiry to be made, and after investigation authorized Mr. Handley, the commercial resident, to proceed for the recovery of the balance due, and in his despatch is the following remark: that, 'in his excellency's opinion, Colonel Macaulay's letter to the commercial resident bears the appearance of unnecessary precipitation, in condemning the conduct of a public officer without inquiring into the real existence of the facts on which his judgment was formed.'"

After considerable research, your committee have traced the passage here quoted on the Bengal secret consultations of the 1st of July, 1806; and they have to state, that it occurs in a letter, not from Sir George Barlow, but from Mr. Edmonstone, as secretary to the Bengal government, and that the occasion which suggested it was a dispute between the political and the commercial residents respecting the presentation of some articles to the Princess of Travancore, and had no connection, directly or indirectly, with the case of Mr. Hutchinson, which is not hinted at in the remotest degree in the letter in question.

In support of his statement that Lord Minto sanctioned the payment of the claim, Mr. Hutchinson quotes the following passage, viz.—

"For the reason stated in the preceding part of this despatch, the governor in council trusts that the honourable the governor-general in council will deem it proper to issue immediate orders prohibiting the interference of the military authority in the commercial concerns of the factory at Anjengo, and will direct the establishment of the commercial resident in the privileges and functions of his office as they existed before the disturbance in Travancore."

Your committee have also succeeded in tracing the document from which the passage is quoted in the Madras political consultations of the 13th June, 1809, and they find that it has no relevance whatever to Mr. Hutchinson's claim, but refers entirely to a question affecting the relative position of the military and commercial authorities in Travancore.

It results, therefore, from what has now been stated, that Mr. Hutchinson's statement regarding the opinions of successive governors-general is totally without foundation.

It may be remarked, in conclusion, that the injury which the Company's interests sustained at the time Mr. Hutchinson was their commercial resident at Anjengo, from the frequent non-fulfilment by the rajah of his contracts to supply them with the products of Travancore, must have been at least considerably aggravated by the obstacles thrown in the way of their trade by the private dealings with the rajah in which Mr. Hutchinson was simultaneously engaged. This, and the fact before mentioned, that loans of money to native princes by Company's servants had been strictly forbidden by the court on pain of suspension from the service, will serve still further to shew that the representative of Mr. Hutchinson has no title to the countenance, either of the court or the legislature, in the claim which he persists in bringing forward.

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The case of Palmer and Co. has been referred to in the body of the work, and it is so complicated that any attempt to elucidate it must fail. That of the Lucknow bankers is ably argued in a letter addressed by the secretary to the Court of Directors to the secretary to the board, under date of the 1st of March, 1833. The letter is too long to be presented entire, but an extract from it may be sufficient to shew the nature and circumstances of the claim. The board had pressed the transmission of a despatch to the governor-general, calling upon him to urge the immediate settlement of the claims by the sovereign of Oude. In remonstrating against such a step, the court, after quoting numerous former decisions in favour of non-interference, proceed to discuss the grounds upon which they were required to adopt a different course; and the passage has an interest distinct from the particular occasion upon which it was written, inasmuch as it illustrates the operation of money-lending in the East. The curse of usury is one of the most fearful evils which afflict India. The following is the passage referred to:—

"After such a series of decisions in favour of a particular line of policy, it would require a strong conviction of its unsoundness and tendency to produce evil consequences, to justify the court, in their own opinion, in consenting to depart from it: but, on the contrary, when they entirely concur in the reasons which induced former courts and Boards of Commissioners to come to the decisions, so deliberately formed, and repeatedly announced, and regard them as establishing, not only on grounds of justice and policy, but also the faith of treaties, the practical

conclusions which were founded on them, they consider themselves as under a solemn obligation not to be the willing instruments of subverting a policy which they entirely approve, and in which they deem it of the highest importance that the British government in India should persevere.

"As the anxiety, however, of the court respecting the decision of the board on this subject, makes them fearful of omitting any thing which seems to them calculated to aid in removing the impression which they deprecate, and as the draft of the despatch prepared by the board contains a statement of reasons in justification of the measure which the board would prescribe, the court deem it incumbent upon them to make known to the board the reflections which that statement has suggested. They regret that, in presenting these conclusions, with the fulness which the occasion seems to require, so much is necessary to be written; but they trust the board will ascribe this effect to its true and only cause,—the importance which they attach to the question.

"In the draft, as prepared by the board, it is said, 'As a general principle, we have no hesitation in expressing it as our decided opinion, that the British government is not bound to interfere, and ought to be extremely cautious of interfering in the recovery of loans from native states, unless such loans were contracted with its previous knowledge, *and* * unless the guarantee of the British resident was given in writing upon the face of the bond, *or* † signified by the resident in a despatch written at the time to his own government, and approved as well by

* Qy. *or?*

† Qy. *and?* otherwise the passage will import that the resident's guarantee, if appearing on the face of the bond, should be binding on the government, whether it had been made acquainted with and sanctioned it, or not.

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"Though it is the decided opinion of the court that such guarantees as are above alluded to, of loans to native princes or other parties by any lenders whatsoever, should be altogether abstained from by the British government, and indeed interdicted, they nevertheless have great satisfaction in seeing the principle of non-interference so broadly and guardedly laid down as it is by the board in the above paragraph. But, in the same high degree in which they estimate the importance of such a rule, must they be solicitous that, along with the promulgation of the rule, a precedent should not immediately be set, by which, if acted upon, the rule would be utterly subverted, and the precedent become the rule in its stead; a rule directly opposite to the former, both in its purport and effects.

"The principle, as laid down by the board, recognizes two conditions: 1st, that the British government should have been a party, consenting at least to the original transaction; 2nd, that it should have given its guarantee for the payment: under which conditions alone, any interference should be attempted by the British government for the enforcement of claims of debt on native princes.

"Neither of these conditions applies to the case of the Lucknow bankers. This is not alleged; and it is so clear a point, that the court do not think it necessary to enforce it by argument.

"The subsequent paragraph of the board's draft, however, says: 'We state the principle thus broadly and decidedly, to the end that the orders we are about to transmit to you on the subject of the present claim may not be liable to misinterpretation in the important particular, that where money has been advanced to a native state

without a sanction of the nature above described' (original consent or express guarantee), 'we will in no case, except under very peculiar circumstances, interfere in view to its recovery.'

"It is obvious, therefore, that the justification of the interference now proposed is, and indeed must be, placed on the plea of 'very peculiar circumstances.' With respect to this plea, the court do not deny that very pecu liar circumstances may create a case of exception to the most important rules; but, in proportion to the importance of the rule, it is incumbent on those who would make the exception rigidly to investigate the circumstances which are said to be peculiar, and not only to prove that they are peculiar, but that the peculiarity constitutes a case of sufficient importance to demand a departure from an established and important line of action.

"With this view, the court have carefully considered the circumstances which are adduced by the board as forming a peculiarity of that cogent nature in the present case; and, as they have been conscientiously led to a conclusion directly the reverse of that of the board, it is their wish, as it is their duty, to point out the grounds of their conviction as fully as the nature of the case appears to require.

"In the board's enumeration of circumstances, the first which appears is this: 'That both Lord Cornwallis and his successor, the present Lord Teignmouth, had repeatedly urged the late Vizier, Asoph-ood-Dowlah, to put in a train of liquidation the large debt which he had contracted.' The 'large debt' here means *all* the debts of the Vizier. This implies, therefore, the reverse of any thing peculiar as to the debt of the present claimants. All the other debts of the Nabob were equally included; and what was done, instead of being peculiar to any, was common to all.

"It is next said, 'That, at his excellency's particular desire, the governor-general in council authorized Mr. Cherry, then the resident at Lucknow, to assist him in ascertaining his true and just debts, with a view to their being put into a train of payment. Mr. Cherry accordingly entered into a laborious investigation of the debts of that prince, and in a letter dated the 14th April, 1796, transmitted to the governor-general a list of such of them as he considered to be just. In that list are to be found the names of the Calcutta bankers.' Here, in like manner, there is not only not any thing peculiar, but there is a direct statement to the contrary. This circumstance, therefore, is altogether unavailing to the object of the board, that of making out a case of peculiarity for the interference of the British government.

"There are, however, in this statement, some things which deserve observation. The Vizier expressed a particular desire that the aid of the British resident might be lent to him, in order to make a discrimination between claims which might be, and those which could not be true. This was, therefore, no interference of the British government; it was substantially the act of the Vizier himself.

"It is also stated, that Mr. Cherry, after a laborious investigation, presented a list of such debts as he considered to be just. It is necessary here to consider the state of the facts. It could not be, that Mr. Cherry had made an investigation of the particulars of each claim, such as is made in a court of justice, and such as is indispensably necessary to enable a judge to determine with accuracy, not merely that something is due, but how much is due. The time Mr. Cherry employed in the investigation was altogether disproportionate to such a performance. We know well, by the experience of the Carnatic and Tanjore commissioners in India, how much time is required

to go into the detail of such debts, and to ascertain how much ought in justice to be paid, and how much not. All that it was possible for him to do, obviously, was, to separate the class of claims which appeared to be altogether groundless and fictitious from those which had more or less in them of what was real. If, upon this ground, any such inference is raised, as that all the claims included in Mr. Cherry's list* ought to be paid in full, we know well, from the experience of the same commissions, how erroneous such an inference would be, and what injustice would have been imposed on the Vizier, if any coercion had been applied to him on that principle. Of claims of precisely the same description upon the Nabob of the Carnatic, not more than nine per cent. has been found justly entitled to payment.

"If any stress is laid upon the circumstance, that the claims of the Dosses rest on the evidence of bonds, it is only necessary to remember, in order to shew the futility of that circumstance, how many of the claims on the two Carnatic princes rested on the same foundation, but have not been, on that account, spared either from scrutiny or retrenchment; and whoever is acquainted with the mode in which bonds are habitually manufactured in India, that for a small sum received the needy prince grants a bond for a large one, and that at the end of every six

* Mr. Cherry, in reality, never made a list. He transmitted to the governor-general the list given to him by Rajah Tickait Roy of the debts standing in the Oude government accounts, and afterwards a list of the debts as claimed by the creditors. The following instance of the difference between the two statements sufficiently shews the necessity of investigation previous to payment:—

Debt of Doorka Doss.

	Rupees.		Rupees.
According to the accounts of government	2,23,128	According to his own accounts	9,25,056

APPENDIX. or twelve, sometimes four months, the bond is renewed, with the addition of interest at two per cent. or more per month, will not question the propriety of the course which has been prescribed to the commissioners, or can possibly doubt the necessity there would be of a similar scrutiny of the bonds* of the Dosses, preliminary to any proceedings on the part of the British government to enforce the payment of them.

"The next circumstance adduced in the draft of the board is the arrangement which was made with the two classes of creditors, the European and native, immediately after the proceeding of Mr. Cherry. The draft says, 'that owing probably to the removal of Mr. Cherry, no arrangement was made for paying off the debts included in his list.' But why should not that arrangement, which was completed in five months after the date of Mr. Cherry's list, be considered the very arrangement to which the proceeding of Mr. Cherry was intended to lead? By that arrangement, a composition was accepted, instead of payment in full, by both classes of creditors, with a single exception in each class, the Dosses being the exception in the native class. The terms of the composition were more favourable to the European than to the native creditors, and this was the ground of the exception of the Dosses. They were willing to accept a composition, but not a less favourable one than was offered to the European creditors. This practice of compounding with their creditors, common with the native princes in India, deserves some reflection. On the supposition that a great part of the claims against them are

* That these were renewed bonds is proved by their dates in 1794, 1795, and 1796; for the debts were incurred before Lord Cornwallis left India. At how much earlier a date, with how many previous renewals, or at what interest, there is nothing to shew.

artificial, and do not represent correctly the value they received, with a reasonable interest, this is only a rude and summary mode, congenial with the mental habits of the people, of sweeping off the undue and extortionate part of the several claims: and the acceptance by so many of the creditors of the composition offered them may be, without any straining, regarded as presumptive evidence that, upon the whole, substantial justice was done to them. Upon the contrary supposition, that all the creditors who accepted the composition were defrauded, every one of those creditors deserved as much the interference of the British government as the Dosses. If it be said that they received something, the Dosses nothing, it is to be asked, how that affects the principle? Justice or injustice is not measured by the sum. Besides, the act was that of the Dosses themselves, and surely constituted no case of peculiarity requiring the interference of the British government. There was one part of their demand which the body of creditors did not receive: the Dosses, as to that part, stood in the same predicament. Another part the body of creditors did receive, the Dosses not, only because they refused to receive it. Whatever loss they sustained by this refusal is chargeable only on themselves. But men must be left to bear the consequences of their own acts. It would be a monstrous rule, that government should employ extraordinary and dangerous expedients for repairing those consequences.

"Among the other things which the court conceive themselves bound to notice in the draft of the board is, the statement that, in the early stage of the negotiation with the European creditors for the composition which they accepted, Mr. Lumsden (the resident) took 'a part.' The court are altogether at a loss to understand the object of this statement. It cannot be for establishing

APPENDIX. (what alone it would be for the purpose of the board to establish) that the case of the Dosses is a peculiar case; for nothing of what was done by Mr. Lumsden related to it. As little does it prove any thing as to the justice of their claim. If it be intended to suggest the idea, that the British resident, in this case, had violated the order under which he acted, of non-interference, the court are happy, on looking into the circumstances, to find that he was guilty of no such dereliction of his duty. In the very letter of the resident, quoted for the fact in the draft of the board, the words are these:—'His excellency, in the first instance, sent for General Martin and Mr. Johnstone, two of the principal creditors, who attended his summons; but as they did not come into the terms which were offered them, he afterwards made a proposition in writing, through me, to all the European creditors.'* And this was the whole of 'the part' taken by Mr. Lumsden in the negotiation: he was the channel of communication on the part of the Vizier, and at his desire, of a proposition in writing to the European creditors; an act to which it is surely needless to say the term interference can by no means be applied. He was once more the channel of communicating, in the same way, a modification of that proposition: and with this his intervention terminated: for the resident goes on to say, 'It happened that all the creditors were at Lucknow, either in person or by their representatives, and after the discussion of the first and second days, they negotiated the business directly with the Vizier's servants, without any intervention on my part.'†

"It is stated in the board's draft, and seems to be considered a matter of importance, that 'both Mr. Lumsden and Sir John Shore expressed regret at the unequitable distinction which Asoph-ud-Dowlah had made between

* 28th September, 1796, 11-213. † Ibid.

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his European and native creditors.' The value of this expression of regret, as evidence in the case, deserves to be carefully weighed, and should be looked at in its true light.

"They could use it only in consequence of their supposing that the European creditors did not receive more than their due, and that the claims of the native creditors rested on the same grounds with those of the Europeans.

"If the European creditors had received more than they ought to have received, there was no room for just regret that the native creditors received less; there was rather cause for satisfaction, that a second act of extortion on the Vizier had not been perpetrated.

"Also, if the claims of the native creditors rested on a foundation in any respect different from that of the European creditors, there was no room for drawing a parallel between them; and the native creditors, though they got less than the European, in proportion to their demands, might have got as much, or more, in proportion to their due.

"Now, it is a question which not only may fairly be asked, but which it is indispensable to ask, how the resident and governor-general could have knowledge of either of these facts; either that the Europeans had not received a payment far beyond an equivalent for the loans they had made to the Vizier, or that the demands of the native creditors did not bear a still more extravagant disproportion to the sums they had advanced? They had performed no investigation into the claims; they had not entertained a thought of tracing them to their source, and ascertaining with accuracy the circumstances in which they had originated, though they were not ignorant of the rapid process by which they had been swelled.

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"It is very clear that, in these circumstances, a casual expression, either of the resident or governor-general, indicating an opinion upon a subject with which they were unacquainted, cannot be rested upon as evidence of any value at all.

"It is to be observed, and, for the elucidation of this point, is an observation of great importance, that such pecuniary transactions with native princes were not then so well understood, nor regarded with the same suspicion and disapprobation, as they are now. Mr. Johnstone, who was one of the Vizier's principal European creditors, and whose debt amounted to upwards of seven lacs of rupees, was first assistant of the resident, and still allowed to retain his situation. The scrutiny of the commissioners into the debts of the Carnatic princes had not yet let in the light which we have now the benefit of, on the mode in which the debts of the native princes originated, and how small the proportion which the sums they actually receive bears to the sums demanded of them. It is not unlikely that the governor-general and resident, on this occasion, did really believe that no part of the debts was nominal, that the claims were all honestly made up of the principal actually lent and the stipulated interest, though it is now well known that, without inquiry and proof, such a belief was dangerous and unwarranted.

"They were acquainted, however, with the exorbitant rate of interest by which the claims had been swelled, and the reckless manner in which the incumbrances had been incurred. The letter of the resident to the governor-general, dated 1st September, 1795,* had stated as follows:—'The ruinous system of borrowing appears more and more daily to have been the cause of the general decline of this government. The debt has increased an-

* 11-85.

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nually, by uniting principal and interest at thirty-six per cent. into new bonds, to which have been added new loans at twelve months, and some at shorter periods, bills bearing discount tendered in place of ready money for *tuncahs* on the Aumils, who again charge interest on the state for anticipation on their kists, while the actual appropriation of the revenues has been involved in the mysterious intricacies of false intercourse with the Aumil's tuncahs, debts, and separate allowances, for purposes as confused as the general system of government has been.'

"In taking account of claims originating in such extraordinary circumstances, with a view to their liquidation, how would rational men proceed? They would take the course which has been prescribed to the commissioners on the affairs of the Carnatic princes; they would subject each claim individually to a rigid scrutiny; they would ascertain the amount of the principal actually lent; they would add to that a reasonable interest; and of so much, and no more, would they award the liquidation.

"This scrutiny did not suit the temper nor capacity of the Vizier: he took the easier method of telling his creditors that he would give them so much in satisfaction of their claims, and that with this they ought to be contented.

"It is necessary now to see what he did pay, and to go as far as we can in determining how near it approached to a reasonable payment.

"The proposition which was first made to the European creditors, and transmitted through the hands of the resident, was very nearly the same with that which had been already offered to the native creditors and accepted. It was, that instead of thirty-six per cent. per annum compound interest, they should only be paid at half that rate of interest, or eighteen per cent. per annum com-

APPENDIX. pound interest, and that the difference should be struck off the bonds.*

"Nobody will deny that this was still very high interest; and this it had been settled should be paid to the native creditors.

"There was another condition, however, which lessened the benefit. The native creditors were to be paid by instalments in six years, the European in five; and in the meantime no interest was to run in favour of either class.

"These terms the native creditors, with the exception of the Dosses, had previously accepted. They were, however, rejected by the European class; and after negotiation, the Europeans succeeded in obtaining payment in full at the rate of thirty-six per cent. per annum compound interest, and that immediate, they foregoing only the interest due since the last date of the bonds. And this extortion is what the governor-general and the resident express their regret, that the native creditors also were not enabled to force upon the Vizier.

"It thus appears, that the payment which the native creditors were to receive, and which was rejected by the Dosses, was payment at the rate of eighteen per cent. per annum compound interest, subject to the condition of receiving this payment by one-sixth every year, without any accruing interest upon the sums deferred. Now, when two things are considered—first, the comparative smallness of the advance, in which it is most probable that each of the demands originated; and, secondly, that engagements with the native princes at such rates of interest are never *bonâ fide*, nor is the exact fulfilment of them, except by accident, contemplated by either party—

* Letter of the Resident to the Governor-general, 28th September, 1796.

it cannot be pretended, that this rate of payment to the native creditors was an arrangement to which the name of injustice can with any semblance of reason be attached: and the court have no doubt, if the question were put to the board, they would immediately answer, that they would think it unjust to interpose the authority of the British government for extorting from the King of Oude more favourable terms of payment in behalf of any creditors.

"Another consideration here occurs, which, in the practical view of the question, is of very great importance. Asoph-ud-Dowlah died within a few months after this agreement with his native creditors, and there is nothing to shew that, in consequence of it, any thing was ever paid to them. At all events, if one of the six instalments was paid, there was nothing more. The short and uncertain possession of power by the spurious Vizier Ali did not afford him the means; and Saadut Ali refused to be responsible for his predecessor's debts. It thus appears, that the Dosses actually are in a condition little worse, if at all, than the rest of the native creditors, who, if they have received any thing, have received no more than a sixth of their reduced demand; and it follows clearly and indubitably that, if the Dosses have any ground to claim the interference of the British government, every one of the native creditors included in that arrangement has equal ground; nor can the British government, without the most glaring inconsistency and partiality, grant its interference in behalf of one, and refuse it to any other.

"The next circumstance which is adduced in the draft of the board is, the insertion in the preliminary treaty with Saadut Ali of an article relative to the payment of the 'just debts of his late brother,' and the omission of any such stipulation in the definitive treaty.

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"The debts to which the article in question referred were, no doubt, the debts of the native class of creditors with whom the arrangement above described had been entered into by Asoph-ud-Dowlah, but upon which arrangement nothing, or, at any rate, a fraction only of the debt, had been paid.

"This circumstance, however, whatever be its import, has no exclusive bearing upon the claim of the Dosses, and does not in the least degree aid the board in making out that case of peculiarity, which, by their own doctrine, it is incumbent upon them to establish, in order to lay a ground for enforcing payment of their claim, after a lapse of more than thirty years, from the King of Oude, by the authoritative interference of the British government.

"Between the conclusion of the preliminary treaty, however, and the arrangement of the definitive treaty, new considerations had suggested themselves to the British government; and they saw adequate reasons, as it appeared to them, for withholding any such article. 'The stipulation,' they say, 'would involve us in the necessity of inquiring into the justice of all claims, and constitute the Company, in some measure, a guarantee for procuring the liquidation of them, which would be attended with very serious embarrassment.

"The language here employed, as to 'the necessity of inquiring into the justice of all claims,' is indicative of a juster sense of what is essential to the equitable adjustment of debts, namely, a rigid scrutiny into the circumstances, than the language of the governor-general, and the resident, manifested before, when they appeared to be contented with a very summary cognizance of demands.

"It would have been necessary for the British government, in consequence of such a stipulation, to have con-

stituted itself a tribunal of justice between the sovereign of Oude and his creditors. It would have been equally necessary for it to take the execution of its judgments into its own hands, otherwise it must have submitted to the degradation of permitting articles, in its own treaty, inserted by its authority, to remain unexecuted.

"The court are of opinion, that these were reasons far more than sufficient to determine the government to the course which it adopted; and to obtain for its determination the sanction and approbation of its superiors in England, including authorities of all descriptions, from that to the present time.

"The board's draft, however, would now make the court say: 'We cannot admit the validity of this reasoning, which, if valid, ought most assuredly to have deterred the governor-general from agitating the subject at all. In the particular case so many steps had already been taken, as to make it very questionable whether it was still open to the British government to recede, on the ground of the general obligations which Sir John Shore urges.'

"What 'this reasoning' should have deterred the governor-general from is sufficiently obvious. It should have deterred him from proposing such an article in the preliminary treaty: but it had no tendency to deter him from doing what so many of his predecessors had done (if that also is meant to be included in the phrase 'agitating the subject at all'), namely, giving his advice to the Vizier, in strong and urgent terms, upon all the faults of his administration, his mode of contracting debts, and deferring the payment of them, as well as the rest; or from allowing the resident, at the Vizier's request, to aid him in looking into his incumbrances, and to be the channel, as in the case of Mr. Lumsden, of a communication to one class of his creditors; and still less could

APPENDIX. there be any reason why, if the governor-general had taken a wrong step in one stage of an important transaction, he should not retract it in another. The contrary would surely be a most monstrous doctrine.

"The latter sentence in the board's paragraph requires special remark: 'In the particular case so many steps had been taken.' Particular case, here, must mean the case of all the creditors; for nothing had been done as to the Dosses but in common with the rest. The reasoning of the board, therefore, goes to shew, that the British government is bound to procure payment for every one of the creditors. Are they prepared to act upon that doctrine? If not, they recede from and abandon their own ground.

"'So many steps had been taken.' These steps, as enumerated by the board, are, 1st. The insertion of the article in the preliminary treaty; 2nd. The list of debts transmitted by Mr. Cherry; and these two acts are set down by the board as laying upon the British government the obligation of seeing that the debts of the sovereign of Oude should all be justly discharged.

"To the court it does not appear that they constitute any obligation. The article in the preliminary treaty was indicative of a desire, on the part of the British government, that justice should be done to the Oude creditors; and nothing more. But a wish that justice should be done to any man, or class of men, gives no right to any one to demand a particular exertion for that effect.

"The act of Mr. Cherry was not indicative even of so much. Being performed expressly in compliance with the desire of the Vizier, it was essentially indicative of nothing but a willingness to oblige the Vizier.

"It was, indeed, well known, that the British rulers had tendered their advice, and been urgent in their entreaties to the ruler of Oude, to arrange honourably with

his creditors. But in all their expostulations, the ground which they took was that of that concern, not for the interest of the creditors, but of the Vizier himself. It was not because it would be good for the creditors to receive their money that they urged payment of them upon the Vizier, but that it was of the highest importance for the Vizier to free himself and his administration from the embarrassments and disorders which his pecuniary difficulties created.

"The draft of the board endeavours to connect the two facts, the article in the preliminary treaty and the list of Mr. Cherry, with the obligation they would thence lay upon the British government, by saying that they must have created expectations in the creditors that the British government would force the sovereign of Oude to pay them.

"In the first place, the court not only doubt, but are very much disposed to disbelieve, that any such expectations ever existed. But another thing they are perfectly sure of, that if they did exist, they were utterly groundless; and though the court consider expectations legitimately raised as matters of importance, no man in the world conceives that unreasonable expectations deserve any regard.

"The creditors, if they knew what had passed between the British and the Oude governments on the subject of the debts of the latter, knew two things: first, that the reason of the British government's concerning itself in the matter was declared to be its desire to improve the administration of Oude, in which the relations of the two states gave the British government a deep interest; secondly, the constant and strong declaration of the British government, that it had no right to urge the claims of any creditor upon the sovereign of Oude, and its firm determination to abstain from doing so.

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"If, in these circumstances, the creditors, because the British government had once had a thought, but afterwards abandoned the thought, of getting the sovereign of Oude to undertake in a treaty to pay the debts of his predecessor (which, however, implies that independently of the treaty the British government had no right to interfere), and because Mr. Cherry, at the request of the Vizier, aided him in making out a list of the demands upon him, fostered in themselves expectations that the British government would do what it had no right to do, and what it was contrary to its policy to do, such expectations were only delusions.

"In the board's draft a passage is inserted from the letter of Colonel Scott, the resident in 1801 (the letter in which he states the declaration of Saadut Ali, that the adjustment of the debts of the state of Oude was the affair of that state, and ought to be exempt from the intermeddling of the British government), in the following words: 'Your lordship's sense of the obligation which his excellency (the Vizier) owes to justice and common honesty, to make some arrangement for the liquidation of these debts, is so strongly manifested by the proposition, under certain conditions (the entire transfer of the Vizier's territories to the British government), of taking the burthen upon the Company, that his excellency looks with certainty to the demand being at a future period pressed upon him by the influence and authority of the British government.'

"This passage is somewhat obscurely worded. The contingency, however, which is referred to, is that surrender, which had been under negotiation, of the entire sovereignty of Oude to the British government. Of course, in the event of such a surrender, the British government would have succeeded to all the legitimate obligations, without exception, of the Oude state, and

would have paid such of its debts as came under that description: not, however, without such a scrutiny, and such retrenchments, as have taken place in the case of the debts of the Carnatic and Tanjore states, when it succeeded to all their obligations in consequence of the surrender of all their territory. But what connection there is between such a responsibility, in such a case and any responsibility, in another case, which is not only not the same, but in every essential circumstance directly the reverse, the board have given no explanation to enable the court to discern. And equally unable are they to trace even the smallest connection between the premises and the inference of Colonel Scott, that because the governor-general had a sense of the Vizier's being under obligation to justice and honesty, and because there would have been an obligation on the British government to discharge the debts of the Oude state if the government of that state had been transferred to it, therefore the Vizier looked with certainty to his being compelled by the British government to pay them, though the most explicit declarations had been made and repeated by the British government, that it never would be the instrument of such an interference.

"It is stated in the draft of the board, that the Marquis Wellesley refused to affix his seal and signature to certain articles transmitted by the Vizier, during the discussion of the treaty under negotiation in 1801, of some of which articles the object appeared to him to be, 'under the shelter of the British name, to cancel all the public debts of the state of Oude.' This refusal was highly proper in his lordship, and his obvious and indispensable duty. But the court expressly deny, that there is any connection between that act and an obligation on the British government to use its irresistible means to make the government of Oude pay those debts, and still

APPENDIX. less one single debt, extracted by particular favour, out of the entire number.

"The next circumstance adduced in the draft of the board is a 'trust,' expressed by the secret committee in their despatch dated 19th November, 1803, that the revenue belonging to the Vizier 'would enable him to put his just debts in a course of progressive liquidation.' After what has already been said, to shew the real nature of the anxiety so often expressed by the British authorities on the matter of the Oude debts, it would be unnecessary to add any thing here, if the court were not anxious to leave nothing unnoticed on which the board have rested their case, though, as appears to the court, it has no power or tendency to support it. The court did wish, and the supreme government wished, that the sovereign of Oude would free himself on honourable terms from the embarrassment of his debts, and they have often told him how much it concerned his interest. But this is so far from implying a right, or intention, to interfere by coercive means in any individual case, or in all the cases, that it implies the very reverse. They would not have been contented with merely *advising*, if they had thought it their right, as well as their policy, to *order* payment."

The enormity of the claim is pointedly, though very briefly, exhibited in the following further extract:—

"The draft thus concludes: 'We feel that it is incumbent on us to use our utmost efforts to retrieve the present claimants from the unfortunate situation in which they are placed. Under a strong conviction that this is a valid claim against the King of Oude, we are of opinion that the settlement of it should no longer be delayed. We are of opinion that the present claimants are entitled to the same terms as those which were accorded by Asoph-ud-Dowlah to the European creditors in 1796.'

" 'The utmost efforts' of the British government mean compulsion, either by intimidation or force.

" 'The present claimants:' the Dosses. Why them alone?

" 'Unfortunate situation,' of a party who would accept payment on no other terms than thirty-six or twenty-four per cent. per annum compound interest.

" Why should the situation of the Dosses be more unfortunate than that of the other creditors, who were willing to accept payment on moderate terms, but never received it?

" 'A strong conviction that this is a valid claim.' A claim to thirty-six, or say twenty-four, per cent. per annum, compound interest, which the 'utmost efforts' of the British government ought to be employed to enforce. As to this strong conviction of the validity of the claim, the court cannot forbear asking, upon what does it rest? Of the origin of the debt the board can know no more than the court, which is nothing. The mere existence of the bonds, unexamined and unauthenticated, as they are, is no ground for a strong conviction, nor any conviction at all, upon the subject.

" The Dosses 'entitled to the same terms as those which were accorded to the European creditors:' in other words, thirty-six per cent. per annum, compound interest. In the opinion of the court, neither the European nor any other creditors should have been paid at that rate, much less have had the 'utmost efforts' of the British government employed to compel such payment."

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At page 331 reference is made to various documents illustrating the respective opinions of the Court of Directors and the Board of Commissioners, on the subject of retaining councils at the subordinate presidencies. A few extracts from these papers may be acceptable. In a summary of the proposed bill, framed under the orders of the board, the following passage occurs:—

"The governors of the separate presidencies not to have a council. A council will be less necessary in these governments, as the supreme government will be strengthened."

Writing to the chairman and deputy chairman of the East-India Company on the 27th June, 1833, Mr. Grant, the president of the board, says—

"To me it appears absolutely necessary that the supreme government shall legislate for the whole Indian empire. When the arrangement for that purpose shall have been carried into effect, the functions of the subordinate governments will be only executive, and may be performed, I think, not less satisfactorily,—I am sure more economically,—by a governor acting singly, than by a governor in council. I will, however, so far yield to what I understand to be the wishes of the court, as to consent that the question, whether the subordinate governments shall or shall not have councils, shall by the bill be reserved for the future and deliberate decision of the court and the board. Into a full discussion of that question I shall be prepared to enter so soon as the new system shall be complete and in action."

In answer to the above-mentioned letter, 2nd July, 1833, the court observed—

"The proposal to take away the council from the governors of Madras and Bombay appears to the court

to be very objectionable; and their objections are not removed by the modification suggested in your letter, dated the 27th ultimo, since to reserve to the board and the court the power of maintaining or reducing the councillors at Madras and Bombay (unless, indeed, the concurrence of both authorities were required), would be tantamount to an adoption of the proposal, your opinion expressed in the summary, and reiterated in your letter, being fixed in favour of this reduction; and we would further observe, that it is not apparent how the expense of the additional councillors in Bengal is to be provided for consistently with the retention of the council at the subordinate presidency.

"However subject to the control of the supreme government, much power must inevitably rest in the local authority; and that power will be liable to abuse, unless checked by the association with the governors of persons of character and eminence in the service. The court fully admit that it is desirable that the restraints upon the governor should be such as not to cripple the energy and vigour which are essential to the due discharge of his important duties; and they think that this principle is entirely preserved in the present constitution of the Indian governments. The governor acts ordinarily with his council; but he has the power to act independently of them, knowing that he thereby incurs a peculiarly heavy responsibility, and that all the circumstances necessary to enable the authorities in England to exercise their judgment upon his conduct will be brought to light by the recorded Minutes of his constitutional associates.

"We presume that it is intended that the governors of the subordinates shall continue to be appointed from home, and that generally they will be strangers to India. If there were no councillors, a governor must, upon his arrival, seek advice and information from secretaries, whose responsibility as advisers of the government is, to

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say the least, very indefinite, and who cannot be so fit to give advice as councillors, who are, or ought to be, conversant with the internal working of the government."

In a petition to the House of Commons, the court make the following representation :—

"The proposal to vest the executive governments of Madras and Bombay in governors without councils, appears to your petitioners to be liable to very serious objections, which are not removed by that clause in the bill which allows the Court of Directors, with the approbation of the said board, to appoint a council in any presidency, because, as there are councils at present, the effect of the bill, if passed into a law, will be to declare the opinion of the legislature against councils, and to place the Court of Directors and the Board in the position, should they think councils essential, of at once exercising their judgment in opposition to that opinion.

"If it be intended to continue the councils, but with a power to the court and the board to dispense with them, your petitioners humbly submit that that intention should be distinctly expressed in the said bill."

This is repeated with even greater strength in a petition to the Lords.

"That the proposal to vest the executive governments of Madras and Bombay in governors without councils, appears to your petitioners to be liable to very serious objections; if adopted, the local governor, frequently a stranger to India, will be deprived of the information and advice which he has hitherto obtained from his councillors, a salutary check upon the proceedings of the governor will be destroyed, the security that every act and the reasons for it shall be placed upon record will be lost, and the stimulus to exertion in the civil service, created by the hope of ultimately reaching a seat in

council, will be greatly impaired. These objections are not obviated by that clause in the bill which allows the Court of Directors of your petitioners, with the approbation of the said Board of Commissioners, to appoint a council in any presidency, because, as there are councils at present, the effect of the bill, if passed into a law, will be to declare the opinion of the legislature against councils, and to place the Court of Directors and the Board in the position, should they think councils essential, of at once exercising their judgment in opposition to that opinion. If it be intended to continue the councils, but with a power to the court and the board to dispense with them, your petitioners humbly submit that that intention should be distinctly expressed in the said bill."

The question is thus argued by Henry St. George Tucker, Esq., in a paper recorded by him on the 2nd July, 1833:—

"To the proposition of Mr. Grant for the formation of a fourth presidency, I have not the smallest objection: on the contrary, the Board of Commissioners, of which I was a member, in their report to the supreme government of the 13th April, 1808, were induced to recommend 'that a more efficient authority be established in the ceded and conquered provinces;' and the grounds for this recommendation, far from being weakened, have acquired force from the extension of our territory and connections, and from the unsettled state of our western provinces, and the adjoining country of Oude.

"I consider the imperial city of Agra to be particularly well adapted for the seat of the new government. Situated on the Jumna, it has, to some extent, the advantage of river navigation; it has a fortress for the protection of our treasure and archives; it is sufficiently near to Delhi, to Bhurtpore, Gwalior, Rajpootana, and other

points which must always be observed with care and vigilance; and it is not only centrically placed with reference to the territory likely to be assigned to the new presidency, but it occupies an intermediate and convenient station between Calcutta and Bombay; it is also near the principal stations of the Bengal army, Muttra, Meerut, &c.

"But upon the constitution of this and other subordinate presidencies, I differ widely from the views entertained by the president of the board, whose proposition goes to degrade them into mere lieutenancies, stripped of a council and deprived of all independent authority, the supreme government being invested, to use the words of Mr. Grant, with 'a *precedent* and *preventive*, in place of a *subsequent* and *corrective* control.' What functions of government are these lieutenants intended to exercise? We are told that they are to have a council of '*secretaries*,' but are these ministerial officers to deliberate and vote under a direct responsibility? And are they to be remunerated with salaries equal to those which have hitherto been received by the members of government? If so, there is only a change of *name*, and the executive duties of the secretary will soon, no doubt, be consigned to some inferior officer. If they are not to be deliberative and responsible functionaries, in what situation will not the government be placed? Some man of rank will be appointed governor or lieutenant-governor who has never seen any thing of India, who is unacquainted with the languages, manners, and feelings of the people, and who must depend upon the advice of an irresponsible secretary for conducting all the affairs of his government. The members of council are not only qualified in general by their knowledge and experience to give wholesome advice to the new governor, but they are a constant check upon him, and by recording their Minutes, when a difference

of opinion occurs, the home authorities are enabled to form a more correct judgment on the merits of every case which may be brought under their notice.

"I see no objection to the supreme government being invested with a general power of restraint on the public expenditure at the subordinate precidencies; and it may be useful that the Regulations framed at those presidencies should be submitted for sanction to the superior authority, in order that *uniformity in the general principles of legislation* may be preserved: but I am by no means of opinion that legislation should vest entirely and exclusively in the supreme government. It appears to me that laws should be adapted to the state of the particular society, and the local administration must certainly be best qualified to judge of the wants of the community over which it presides. Absolute uniformity in legislation is neither necessary nor desirable, nor perhaps practicable. Nothing can be more dissimilar than the character and habits of different classes of the population of India, and no assumption could be more fallacious, than that the same laws would answer equally well for them all. The natives of Bengal Proper bear no resemblance to the inhabitants of Upper Hindostan; and although I cannot speak from the same personal knowledge, I have reason to believe that the Mahrattas of the Deccan, and the Nairs, Mopilas, and other inhabitants of the Peninsula, are distinguished in a remarkable manner from both. Why is it that the Regulations of 1795 for Benares have been found more suitable and easy of execution than other parts of our code? Simply because the Benares Regulations were drafted on the spot, upon an accurate knowledge of the wants of the particular society. I contend, then, that the power of legislation should be continued in the subordinate governments, although I do not object to their being required to submit their

APPENDIX. Regulations for revision, and for the ultimate sanction of the supreme authority in India.

"I am of opinion that the seat of the supreme government should be fixed in Calcutta, and I could assign many reasons for this opinion, in opposition to that of Lord William Bentinck (who prefers "Allahabad"), if the question were still open for consideration. The provinces from Benares eastward, including Arracan and the settlements on the coast of Tenasserim, would constitute, I think, the proper limits of the superior presidency; and as these provinces have, with the exception of our late acquisitions from the Burmese, been long settled, the superintendence of their internal affairs would not impose upon the supreme government any very onerous duties, or interfere materially with the exercise of a general control over the other presidencies. The chief functions of the governor-general in council will, no doubt, be legislative and political, with a general superintendence; but it appears to me by no means advisable to divest the supreme government of the immediate management of a particular territory. This sort of abstraction would separate it too much from the people, and remove it too far from the sphere of their internal concerns. One great evil incidental to our rule is, that the governors of India can rarely become acquainted with the people over whom they are placed.

"The projected change in the construction of the supreme government appears to me to call for the most serious consideration.

"It is to be composed of *seven* members instead of *four*, the present number, and the councillors are to be appointed 'by the court, *with the approbation of the king*,' instead of being selected, as at present, by the court, without any interference on the part of his Majesty's ministers.

"For the proposed addition of three members, I can perceive no sufficient reason, even if no objection occurred on the ground of expense. With one hand we take away the councillors from the subordinate presidencies, and with the other add (unnecessarily, as I think) to the apparatus of the supreme government.

"If it be intended to take the three additional councillors from the service of the subordinate presidencies, we shall remove them from the spot where their knowledge and experience are likely to be most useful, and we shall bring them to a quarter where they will find a different state of things, and where even the languages which they have acquired will not enable them to communicate with the people.

"If it be proposed, by means of this extended apparatus, to carry on in Calcutta all the details of administration, from Cape Comorin to the Himalaya mountains, and from the borders of China to the Indus, then, I say, the project is visionary and impracticable. The machine will be overloaded and will not move, the responsibility will be divided between the supreme government and its lieutenants. The latter, divested of all independent authority, must dwindle into insignificance; or if, when differences occur, an appeal is to be made to the home authorities, the decision in the last resort must either weaken the influence of the controlling power, or become altogether nugatory. The plan, in truth, appears to me to place the supreme government in the position which the home authorities at present occupy; but as it is not intended, I presume, to withdraw their superintendence, an intermediate process of revision will have been superadded; and if it be required that the subordinate governments should send home their proceedings, and that the superior government should also transmit its correspond-

ence, containing the revision of those proceedings, the public business will be increased in a degree likely to produce the greatest embarrassment.

"I am quite aware that much of the good which has been done in India has been effected by the local government, and much ought at all times to be left to its discussion; but I cannot think that the check of the home authorities is without its use, or that it can ever be safely dispensed with. I would strengthen the political power of the supreme government to the utmost; nor can it well be armed with an authority too absolute over Europeans resorting to India; but I cannot perceive any necessity for withdrawing from the subordinate presidencies the free and independent exercise of all the administrative functions of government, whether revenue, judicial, military, commercial, or even legislative.

"I apprehend, however, that in adding three members to the supreme council, it may be proposed to introduce some of the judges of the king's courts or political partisans from this country, or perhaps some eminent native of India. Such projects have been contemplated, and have been advocated by particular individuals; but I consider them to be open to the most formidable objections. As, however, they have not yet been put forth in any tangible shape, I shall reserve myself until they be officially announced in a manner which may enable me to deal with them.

"But I must observe upon the proposal to subject the appointment of 'councillors to the approbation of the king,' or, in other words, to transfer the patronage to his Majesty's ministers. The best security which we possess at present for good government in India, depends upon the judicious exercise of the power to select from the service at large the members of council at the differ-

ent presidencies. We do not exercise the same independent power in appointing the governors of India: his Majesty's ministers must, for obvious reasons, be parties to such appointments. These high functionaries have generally been political characters of distinction connected with the administration, and they must possess the confidence of the national government; but the Court of Directors are better acquainted with the merits and pretensions of their own servants, and it is of importance that the whole service should look up to them for protection and advancement. The high station of a member of council is looked to as the reward of distinguished service, and it operates as the great stimulus to exertion; but if his Majesty's ministers be allowed to appoint their own partisans, or individuals not connected with the service, this fair and legitimate object of ambition is at once removed, and those motives and feelings which have heretofore produced such devotion to the public service will necessarily be weakened if not extinguished."

In a paper recorded by Richard Jenkins, Esq., 5th July, 1833, the passages following occur:—

"The maintenance, especially, of the principle of having a high and generally independent authority in every great division of the country, I consider to be indispensable for the just protection of all classes of our subjects, as well as for the due preservation of the dignity and power of the nation in the remotest parts of the empire. It is not less essential for the respectability and due treatment of our civil and military services, the maintenance of their present distinctive characters, useful for keeping up a spirit of emulation, variety of talent and views, and I must add, as to the army, for ensuring a due attention to the national habits and usages of the troops, as well

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"And here I cannot but refer to Mr. Elphinstone's opinion on the subject, in his letter to Mr. Hyde Villiers (given in the Political Appendix to the Report from the Select Committee of the House of Commons on East-India Affairs), as containing, in my judgment, *sound and practical views*, which, I am sorry, have not been allowed more weight in framing the bill than has apparently been granted to them.

"Again, the patronage of the chief appointments ought, I presume, to go with the responsibility which it is proposed to vest in the governor-general. This, besides being a dangerous addition to the power and influence of that functionary, would go so much farther to deprive the *local governors* of the consideration due to their station in the public esteem, as added to the proposed submission of the local armies to the authority of the commander-in-chief in India, himself only subject to the orders of the supreme government, would tend to make those situations no longer objects of ambition to men of high rank and character.

"Much, then, I must repeat, as I think it necessary to have a strong supreme government absolute, in times of danger, over every part of India, I yet cannot concur in giving powers for ordinary times, so great as it is proposed to give to any one individual or select body. These powers would be efficient, in my opinion, in so vast an empire, for nothing but evil, whether they created an absolute dictatorship in the governor-general, by placing him above all control from this country, or at any rate able to render it nugatory, from being himself the sole reporter of his acts; or whether his power should be found, on experience, to be merely nominal, whilst the local governments being relieved from home control

and that of local councils, were left virtually unchecked, though subject to all the degradation, in the eyes of the communities over which they preside, of being stripped of the high prerogatives which their predecessors had wielded.

"Whether, also, the governors were servile or contumacious, whether they were deprived of all public spirit and zeal by feeling their dependence on the good-will of their subordinate functionaries appointed by the governor-general, and on that of the persons named to the proposed supreme council, formed, as I presume it would be, of members from each presidency who would have the ear of their great chief; or whether, on the other hand, they courted their superior's favour, by lending themselves to *jobs* for the benefit of their mutual friends, and to other compliances for private instead of public ends, I can see nothing in the plan but public danger and discredit. Under such a concentration of power in the governor-general, we might expect to see the practice of the Moghul times again established, when the real governor remained at court to swell the pomp of the Emperor's train, at the expense of the subject provinces, at once a hostage for his own fidelity and the payment of his revenue, and for the fidelity and good conduct of his lieutenant, who carried on the government in his name.

"The picture I have above drawn may appear to be overcharged, and I may be accused of inconsistency, in speculating at one time on the great powers given to the governor-general, and on the consequent eclipse of the local governments, at another on the inefficiency of the former and the unchecked authority of the latter. My meaning is, that if the governor-general could efficiently exercise the powers intended to be vested in him, he

APPENDIX. would be above all control from this country; if he could not, India would be a prey to all the evils of misgovernment. The governor-general would have the responsibility without the power, and the local governors, vested with irresponsible power without credit for good measures, and able to shift the blame of their bad ones on the paramount authority, might be expected to run into all the vices incident to such a position; whilst the governor-general, sensible of the false position in which he would find himself placed, might be led into situations derogatory to his high station, in order to keep up the semblance of his power, or really yield to the temptations which would beset him, from the absence of those checks which have hitherto been deemed essential in the system of Indian administration.

"But it is further proposed to have no local councils, 'because the *supreme government will be strengthened.*' This may appear to leave the governors *locally* more respectable though *more* strongly checked, in *theory* at least, from a distance. I must, however, think that even the *form* of administration by a governor in council is not a matter of indifference to keep the government well with a European community, which will be likely to receive with jealousy and dislike the orders of a nominally powerless, but really absolute functionary. But more especially unless the plan contemplates appointing to the local governments none but men of local knowledge and experience, a council is, in my opinion, indispensable, as well for enlightening the governor as for arranging the public business for him; and to enable the governor-general to exercise his control usefully and efficiently, it must be desirable to have the aid of the *opinions* of independent members of the government, appointed from home, rather than the *voices* of secretaries, likely to be

biassed for or against the measures of the governor, as their appointments might depend upon him or their common superior."

The above remarks, it will be observed, refer to a prospective system, which in some points has been modified. The opinion of Mr. Elphinstone, above referred to, is contained in the following passage:—

"10. I think the present system of home government has on the whole been successful in attaining the objects for which it is designed.

"The quality in which it has been most deficient is promptitude, and perhaps also vigour in enforcing its orders; but I doubt if this deficiency could be removed without greater evils. With more activity there would be more interference, which, besides the danger of inapplicable orders, would impair the vigour and diminish the dignity of the local governments. The evils of interference would be increased if promptitude were attained by throwing the home government into fewer hands. In that case there would be less deliberation, and there would be more fluctuations from the greater effect that would be produced by the change of an individual.

"The improvements I would suggest in India are chiefly subordinate arrangements. A more extensive change has been contemplated, by abolishing the subordinate presidencies, and bringing all India under the immediate direction of the governor-general, who is to be exempted from all the minutiæ of provincial administration; but in this plan, though suggested by persons for whose opinion I have great deference, I cannot bring myself to concur.

"In war and politics there cannot be too much promptitude, nor can the powers of the governor-general be too unfettered in those departments; but in internal government there cannot be too much deliberation and caution,

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nor can too much care be taken to guard against sweeping changes and frequent variations of policy. I would therefore rather increase the obstructions to the governor-general's discretion, by depriving him of all interference in the internal affairs of the other presidencies, except a veto on general changes proposed by the subordinate governments.

"The facility of introducing uniformity, which is the principal argument for this change, seems to me a very strong objection to it. As India is as extensive and as various as all Europe, except Sweden and Russia, it is probable that uniformity will never be more attainable in the one region than in the other. At present, India is very imperfectly known or understood, and even if uniformity should ultimately be practicable, it should not be thought of now. Our government should still be considered as in a great measure experimental, and it is an advantage to have three experiments, and to compare them in their progress with each other. The practice of Bengal led to Cornwallis's system; an opposite course in Madras produced Sir T. Munro's; both of which will, I doubt not, be hereafter combined in such a manner as to form a better system than either separate. If the proposed plan had existed in 1792, the permanent zemindary settlement which is now so generally censured, would have been irrevocably established in all parts of India.

"There are other advantages in local governments: they have more local knowledge; the merits of local officers, civil and military, are better known to them than to a distant government, and they have means of employing and rewarding them which would not exist in the proposed system; they keep up the division of the army, which seems to me advantageous, and they improve the means of intercourse with the native chiefs.

"The governor-general is charged with too much detail

at present, and might easily be relieved of part of that of Bengal; but as far as I can judge, he ought on no account to be removed entirely from being engaged in details; I should view with much apprehension a governor-general who had no practical experience in administration, and whose only occupation was to frame systems which he might instantaneously extend to every part of India, without the obstruction now opposed by the subordinate governments. I should much fear the tendency of such an arrangement to produce hasty innovations and frequent changes of system, things hurtful in all countries, but nowhere so much so as in India." *

* The letter from which this extract is made will be found in the Political Appendix to the Report of the Select Committee of the House of Commons, 1832. The previous extracts are from the volume called the "Negotiation Papers," printed for the use of the proprietors of East-India Stock, 1833.

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